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# Sixth Annual Report

OF THE

# Board of Railroad Commissioners

AND EX OFFICIO

# Public Service Commission

OF THE

# STATE OF MONTANA

Year Ending November 30, 1913.

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INDEPENDENT PUBLISHING COMPANY, HELENA, MONTANA



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Helena, Montana, Nov. 30th, 1913.

HON SAMUEL V. STEWART, Governor.

In accordance with Section 4396, Revised Codes, and Section 9, Chapter 52, Session Laws, 1913, we have the honor to submit herewith Annual Report containing an account of all matters pertaining to this Department for the year ending November 30th, 1913.

Respectfully,

BOARD OF RAILROAD COMMISSIONERS  
and ex-officio

PUBLIC SERVICE COMMISSION OF THE  
STATE OF MONTANA.

DANIEL BOYLE, Chairman.

E. A. MORLEY,

J. H. HALL,

Commissioners.

R. F. McLAREN, Secretary.





## PREFACE.

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Report has not been made herein of cases pending before the Board. All unfinished investigations and all matters not concluded on this date have been withheld and will appear in Annual Report for 1914.

Copy of this Report will be mailed free upon request.





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**PART I**  
**STATIONS AND TRAIN SERVICE**

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BEFORE THE RAILROAD COMMISSION OF MONTANA

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INITIAL MOTION OF THE BOARD,

vs.

GREAT NORTHERN RAILWAY COMPANY.

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IN THE MATTER OF Alleged Unreasonable Passenger Train Service Between Butte and Havre; Alleging Unreasonable Passenger Train Service to the Plentywood Branch and Also Unreasonable Accommodations at the Station of Warland.

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HEARING, January 29th, 1913.

DECIDED, February 18th, 1913.

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REPORT AND ORDER OF THE COMMISSION.

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Number 57.

Hearing in this case was regularly held in the offices of the Commission at Helena, January 29, 1913.

REPRESENTED:

Great Northern Ry Co.....By I. Parker Veazey, Jr., Counsel,  
" C. O. Jenks, Gen'l Supt.,  
" P. C. Allen, Div. Supt.

The People of Fort Benton.....By F. E. Stranahan, Counsel.

COMMISSIONERS:

Morley,  
Boyle,  
Hall.

While there has been no specific complaint made to the Commission in regard to train service of the Great Northern Railway Company between Butte and Havre, much dissatisfaction has been expressed from time to time as to the inefficiency of the train service as at present, particularly between Great Falls and Havre, over which district the service heretofore has been one train in each direction daily, and for the greater part has been a night train, entirely so east-bound, connecting with Train No. 2 at Havre, and in the opposite direction leaving Havre at 4:40 A. M., arriving Great Falls 9:05 A. M., making connection at Havre with west-bound Mail Train No. 27.

The greater portion of the testimony offered at this hearing was to the effect that one passenger train daily between Havre and Great Falls, and that, practically a night train, was not such as the passenger travel warranted, and while the population of that district during the past few years had doubled and trebled, the passenger train accommodations were practically the same now as then. Testimony was given to show that the train in either direction was frequently, if not at all times crowded so that many were obliged to stand up.

As stated above, this train east-bound made connection at Havre with the Oriental Limited east-bound Train No. 2, and delivered to Train No. 2 at Havre, a standard sleeper from Butte, Montana, to the Twin Cities. Between Havre and the Montana-Dakota line, Train No. 2 was carded to stop only at Chinook, Malta, Glasgow and Culbertson, hence passengers at Havre destined to points at which Train No. 2 did not stop, must wait at Havre from the arrival of Train No. 236 at 2:30 A. M. until 3:30 p. m for east-bound local No. 224, the wait at Havre being thirteen hours. Train No. 2 being the east-bound Oriental Limited, could not, of course, be expected to make all local stops in that territory, hence we must look to some other source for relief.

The Plentywood Branch connects with the main line at Bainville in the southeast corner of Valley County. The service on that branch is daily (except Sunday), leaving Bainville at 8:45 A. M., arriving at Plentywood 1:00 P. M., returning, leave Plentywood 2:00 P. M., arrive Bainville 5:00 P. M. Train No. 4 is due at Bainville 12:55 A. M., but is not carded to stop at that station. Passengers for points on the Plentywood Branch must go through to Mondak, 15 miles farther east, remain over night, and return the next morning on the west-bound local train which makes connection at Bainville for the Plentywood Branch train. It will be noted that under this operation, a passenger is obliged to travel 30 additional miles, i. e., 15 miles in each direction. From Glasgow east, there is a daylight local passenger train which arrives at Bainville at 5:28 P. M. and takes care of the travel in that district, but the passengers on Train No. 4 as referred to, are from destinations west of Glasgow, and should not be required to go through to Mondak and return.

Between Glasgow and Havre, the most important towns are Hinsdale, Saco, Malta, Dodson, Harlem and Chinook. At Malta, Harlem and Chinook, west-bound passenger Train No. 3 is carded to stop, and it has been before the Commission informally a number of times, to require said Train No. 3 to stop at the stations of Hinsdale, Saco and Dodson to take on passengers destined to points beyond Havre. This train is due to arrive at Havre 1:43 A. M. and its service at the stations referred to in this paragraph, would afford practically double daily service between these points and Great Falls, Helena and Butte, by making connection at Havre with south-bound Train No. 235 due to leave at 4:40 A. M.

As to station facilities and accommodations at Warland. This is quite an important station located on the main line of the Great Northern Railway in Lincoln County. The station is in charge of an agent, but there was no employe on duty after 6:00 P. M., and at that hour the depot was locked, necessitating passengers for night trains to wait outside without any means of ascertaining the probable arriving time of delayed trains. The time of regular passenger trains at Warland is as follows:

East-bound, No. 4, 5:14 A. M.

“ “ “ 44, 8:47 P. M.

West-bound, No. 3, 1:58 P. M.

“ “ “ 43, 3:02 A. M.

It will be noted that with the exception of Train No. 3, all of the passenger train service at Warland in both directions is at night, and as stated, no employe was required to be on duty after six o'clock. The business transacted at Warland with the railway company for six months ending December, 1912, averages \$5,347.77 per month. This includes both freight and passenger revenue, but the passenger business alone at that station during the same period, has averaged \$329.81 per month.

#### Order.

This case being at issue upon initial motion, and having been duly heard and submitted by the parties hereto, a full investigation of the matters and things involved having been had, and the Commission having on the date hereof made its report containing its findings of fact and conclusions thereon, which said report is made a part hereof:

IT IS ORDERED that the Great Northern Railway Company shall, not later than March 16th, 1913, operate an additional passenger train between Great Falls and Havre, leaving Great Falls about 7:30 A. M. and returning, leave Havre about 2:00 P. M., arriving Great Falls about 6:30 P. M. This local service to be continuous or in conjunction with the present local passenger train service between Havre and Glasgow, so that there will be through service between Great Falls and Glasgow and all intermediate points.

That west-bound passenger Train No. 3 shall stop at Hinsdale, Saco and Dodson, to receive passengers whose destinations are points beyond Havre.

That one passenger train in each direction between Helena and Butte shall be relieved of as much local work as possible, thereby affording it an opportunity to make schedule running time. The railway company shall determine which of its trains shall be given preference, in the matter of local work, and such preferred train shall not be required to stop between Helena and Butte except at Clancy, Alhambra, Wickes or Corbin, Boulder and Basin.

That an employe shall be on duty at the station of Warland for night trains, and it shall be the duty of such employe to ascertain for the information of the traveling public, the probable arriving time of passenger trains when delayed, and that the depot waiting room shall be kept open and comfortable for the accommodation of passengers so waiting.

The Secretary is directed to serve upon the Great Northern Railway Company, a true and certified copy of this Report and Order, which shall remain in full force and effect until the further order or approval of the Commission.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Dated at Helena, Montana, February 19th, 1913.

## BEFORE THE RAILROAD COMMISSION OF MONTANA

SAVOY, MONTANA, Residents of, and Vicinity,  
 Complainants,  
 vs.  
 GREAT NORTHERN RAILWAY COMPANY,  
 Defendant.

IN THE MATTER OF Requiring the Construction of a Depot  
 at Savoy, and Placing an Agent in Charge Thereof.

HEARING, March 22, 1913.

DECIDED, April 4, 1913.

## REPORT AND ORDER OF THE COMMISSION.

## Number 59.

Hearing of this case was regularly held at Savoy, Montana, March 22nd, 1913.

## REPRESENTED:

Complainants ..... By John Collins, Counsel.  
 Defendant ..... By Wm. L. Cliff, Counsel,  
                                     " Wm Herrman, Trav. Frt. Agt.  
                                     " G. S. Stewart, Div. Supt.

## COMMISSIONERS:

Boyle,  
 Morley,  
 Hall.

By petition filed January 29th, 1913, complainants alleged that the business transacted with defendant at the station of Savoy was of sufficient volume to warrant the building of a depot and placing an agent in charge, and requested also that said depot, "Be located at the foot of Main Street of this town-site."

Savoy is a non-agency station located on the main line of the Great Northern Ry. in Blaine County, the nearest agency on the east being Coburg, and on the west Harlem, distant from Savoy 5 and 12 miles, respectively, making the distance between open stations (agencies) 17 miles. Answer of defendant averred that for the five months ending November 30th, 1912, the earnings

on freight received at and forwarded from Savoy, also passenger revenue, amounted to only \$2,591.45; that outside of railway company's buildings, there was nothing at Savoy except one small store; that the front room of the section house was provided with a stove and used for a waiting room for passengers, and under the circumstances, and considering the earnings, defendant was of the opinion that nothing further was needed at the present time.

It may be stated that the country surrounding Savoy is wholly agricultural. The testimony shows that thirteen townships are tributary to that station, that is, Savoy would be the most convenient and logical railroad point for all of the people residing within the district mentioned, and practically all of the land so embraced has been taken up and actually settled upon, with the exception of an occasional quarter section referred to by witnesses as "Bad Lands." Testimony also shows that on account of the topography of the country, Savoy is more accessible than is Coburg on the east, or Harlem on the west, and that a considerable amount of business is brought to Savoy for shipping, rather than to Coburg and Harlem, on account of the better condition of the roads, although the distance is somewhat longer.

There are now six power plow outfits in that section, with a great deal of work contracted, and the testimony of witnesses was to the effect that the greater portion of the breaking would be done by horse outfits. It was not possible to make even an approximate estimate of the number of acres that will be seeded this season, but as much land as could possibly be prepared would be under crop next fall. It is true that the earnings of Savoy station have not been sufficient to warrant the expense of an agency up to this time. Defendant offered as an exhibit, a statement showing that the earnings on all classes of business for year ending June 30th, 1912, were less than for year ending June 30th, 1911. This we find to be correct, but it is also true that the excess in 1911 over 1912 is entirely due to "Freight Received." This is accounted for by settlers arriving, and in-shipments of building material, machinery, farm outfits, etc. On the other hand, freight forwarded for year ending June 30th, 1912, was more than ten times that forwarded in 1911, and furthermore, for the seven months commencing with July,

1912, and concluding with January, 1913, the average monthly tonnage was more than five times the average for the previous year, all of which indicates conclusively that that section is now producing business for the railroad company, and this will continue in greater proportions with the development of the land now under cultivation. It is also interesting to note that for the seven months ending January 31st, 1913, the total revenue of the railway company per month is about two and one-half times the monthly average for the preceding year, the forwarded freight business being just about twice that of business received. Not the least indication of the prosperous condition in that locality, is the fact that there were at the time this hearing was held, fifty-nine children attending school at Savoy.

The district in question promises to develop in the dairy line, and would be, at the present time of greater proportions, with better facilities for handling this perishable commodity. There is not, however, as yet, enough of it to materially enter into the necessity for the services of an agent. The record shows that there is a ready market for dairy products at Chinook, and there is no reason to think that this line of industry will not develop steadily.

The town of Savoy is situated about one-half mile west of the railway company's station of that name, the latter consisting of a passing track, loading spur, section house, reservoir, and water tank. The townsite was located subsequent to the station, and the request of the petitioners to place a depot "At the foot of Main Street," as herein referred to, would mean that the depot would be approximately one-half mile west of the west switch of the passing track. This the Commission does not look upon as a practical or desirable arrangement. The station facilities should all be together, bound on the east and west by the extreme switches.

The section house, which defendant states has been made available as a waiting room for passengers, is occupied by the section foreman and his men, and has not been patronized by the public as a waiting room to any extent, principally for the reason that at times the door was locked, and also that the people were not made to feel welcome, nor that the room was at their disposal. At the time this hearing was held, the



room in question was not heated. It contained a stove which had not been set up. There was no opportunity to make a fire, and briefly, passengers waiting for trains have stayed outside.

While it was not a part of the original complaint, it developed at the investigation that the loading track was frequently inaccessible, with heavy loads, on account of the seepage from the railway company's reservoir softening the ground and undermining the wagon road on the railway company's right of way, and also on account of an abrupt turn which witnesses testified could not be made with full load and four-horse team. This Superintendent Stewart promised to fix up at once, and it is our understanding that the work has been done by filling in with cinders and making the road high and dry.

As already stated, we are not of the opinion that the business at Savoy will warrant the services of an agent at this time, nor do we think that a depot should be located as requested by petitioners, at the foot of Main Street. That section of the State, however, is developing, as evidenced by the following figures:

Monthly Average, Year Ending June 30th, 1913.			
Freight Business.			
Weight.	Charges.	Passenger Revenue.	Total Revenue.
81,235 lbs.	\$193.69	\$50.53	\$244.22
	Seven Months, Ending January 31st, 1913.		
205,991 lbs.	\$493.67	\$56.50	\$550.17

It is apparent that this growing community is entitled to some consideration, and in view of the average monthly revenue of \$550.17, for the last seven-months period, of which we have a record, the Commission is agreed that station facilities should be provided to take care of the business as at present, which facilities will be a step in the direction of a more permanent organization when the traffic will warrant.

#### Order.

This case being at issue upon complaint and answer filed, and having been duly heard and submitted by the parties hereto, and a full investigation of the matters and things involved having been had, and the Commission having on the date hereof, made its Report containing its findings of fact, and conclusions thereon, which said report is made a part hereof:

IT IS ORDERED that the Great Northern Railway Company shall, not later than June 1st, 1913, provide at the station

of Savoy, a portable depot to be located at such point between passing track switches as it may consider most advantageous, but which must be easy of access for the traveling public, and the handling of freight, and shall also place a custodian in charge thereof, whose duty it shall be to see that the building is open to the ingress and egress of passengers, and shall keep same heated and lighted at such times as necessary, and it shall also be his duty to see that baggage and express, and less than carload shipments of freight, are placed in said depot for protection. Separate toilets for ladies and gentlemen shall be erected, convenient to the location of said portable depot.

The Secretary is directed to serve upon the Great Northern Railway Company, a true and certified copy of this Report and Order, and same shall remain in effect until the further order or approval of the Commission.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Dated at Helena, Montana, April 10th, 1913.

**BEFORE THE RAILROAD COMMISSION OF MONTANA**

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RUDYARD, Residents of and Vicinity,

Complainants,

vs.

GREAT NORTHERN RAILWAY COMPANY,

Defendant.

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IN THE MATTER OF Establishing an Agency at Rudyard.

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HEARING, April 8, 1913.**Report No. 60.**

By petition filed March 5th, 1913, complainants allege that the service rendered by defendant at Rudyard, was unreasonable in view of the volume of business transacted at that station, and for relief, prayed that an agency be established.

Hearing was regularly held at Rudyard, April 8th, at which time such testimony was submitted by complainants, to show the disadvantage under which the community was laboring at the present time, and the growing needs of that section.

Following the hearing, but not made a part of the record, the railway company agreed with the Commission that the services of an agent were necessary at that station, and an agent would be installed without further procedure.

Accordingly, no order will be made unless defendant should fail to carry out its agreement for a period of more than thirty days from this date. The complaint, however, has not been dismissed, but will be held open, pending the performance of the satisfaction herein referred to.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Dated Helena, Montana, April 19th, 1913.

## BEFORE THE RAILROAD COMMISSION OF MONTANA

Docket No. 382.

WOLF POINT, Residents of and Vicinity,

Complainants.

vs.

GREAT NORTHERN RAILWAY COMPANY,

Defendant.

IN THE MATTER OF Alleged Inadequate Passenger Train  
Service at Wolf Point.

HEARING, April 25th, 1913.

DECIDED, May 9th, 1913.

## REPORT AND ORDER OF THE COMMISSION.

## Number 62.

Hearing was regularly held at Wolf Point, April 25th, 1913.

## REPRESENTED:

Complainants .....	By Chas. E. Roban.
Defendant .....	W. S. Hermann, T. F. & P. A.

## COMMISSIONERS:

Morley,  
Hall.

By complaint filed March 10th, 1913, it is alleged that the passenger train service at Wolf Point, a station on the main line of the Great Northern Railway in Valley County, is insufficient and inadequate. For relief complainants pray that Trains 3 and 4 be required to stop at Wolf Point.

At the time this complaint was filed, the passenger train service was, and still is, one local train in each direction daily, viz., east-bound at 3:17 P. M., west-bound 11:00 A. M. Passengers from the east on train No. 3 are obliged to get off at some point east where that train stops, and from there take the local to Wolf Point; likewise, passengers from the west must change at Glasgow. Then again, through passengers from Wolf Point must take the local east or west, as the case may be, to a point where the through train stops.

INCOMING PASSENGERS. The record shows that most of the people from the east, leave train No. 3 at Poplar or Culbertson, and from the west, the change is made at Glasgow. An

examination of the time table shows that train No. 3 is due at Poplar 7:19 P. M.; the local train for Wolf Point is due to leave Poplar at 10:17 A. M., that is, these people must remain over night at Poplar for the local the next morning. Train No. 4 is due at Glasgow at 9:30 P. M., while the local for Wolf Point does not leave there until 1:40 P. M. In other words, passengers must remain at Glasgow 16 hours and 10 minutes.

**OUTGOING PASSENGERS.** The local train east-bound, leaves Wolf Point at 3:17 P. M., arrives at Poplar 4:00 P. M.; train No. 4 is due at Poplar 11:39 P. M. The local west-bound leaves Wolf Point at 11:00 A. M., arrives Glasgow at 12:45 P. M.; train No. 3 is due at Glasgow 9:20 P. M. Thus it will be seen that through passengers must wait at Poplar 7 hours, 39 minutes, and at Glasgow 8 hours, 35 minutes for trains No. 4 and 3, respectively.

The territory surrounding Wolf Point may be said to be wholly agricultural, and has had its greatest development during the past two years. Undisputed testimony shows that forty carloads of settlers' effects have been received so far this spring, indicating the rapidity with which that section of the state is settling up. Petitioners attach much importance to the fact that the only ferry over the Missouri River between Poplar and Nashua, a distance of 56 miles, is at Wolf Point, which makes that station the only one accessible for a large number of people living as much as 40 miles from the river in Dawson County. It is expected that the Fort Peck Indian Reservation will be opened for settlement in the very near future, and will add greatly to the importance of Wolf Point as a railway station.

For the year ending February, 1913, the business transacted with the railway company at Wolf Point amounted to:

Freight Forwarded.	Freight Received.	Passenger Busi- ness—Outgoing.	Total.
\$6,442.82	\$21,581.32	\$3,981.50	\$32,005.64

or an average of \$2,667.00 per month.

Between Williston and Glasgow (Wolf Point being an intermediate station), the distance is 156.3 miles. Train No. 3 makes this district in 4 hours 33 minutes. Train No. 4 in 4 hours 25 minutes, the average speed per hour being 34.36 and 35.39 miles respectively. It is not thought that these schedules are "fast," nor should they be difficult to maintain under ordi-

nary conditions. The Commission realizes the importance of having and keeping trains, particularly through trains, on time. We also appreciate the objections of the carriers to stopping trans-continental trains at local points, but in the complaint before us, the question to determine is, whether or not Wolf Point is being given reasonable service as the law contemplates reasonable service to be. We think the foregoing report shows that this station is entitled to better service to the extent that trains Nos. 3 and 4 stop when there are through passengers to get on or off, but not otherwise, and it being so held

IT IS ORDERED that the Great Northern Railway Company shall, commencing not later than May 22nd, 1913, stop its trains Nos. 3 and 4 on flag, at Wolf Point, to receive or discharge passengers for or from points east of Williston or west of Glasgow.

The Secretary is directed to serve upon the Great Northern Railway Company, a true and certified copy of this Report and Order, which shall remain in effect until the further order or approval of the Commission, and the Great Northern Railway Company shall, not later than May 22nd, notify the Commission, whether or not this Order has been complied with.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Dated at Helena, Montana, May 12th, 1913.

## BEFORE THE RAILROAD COMMISSION OF MONTANA

Docket No. 383.

STOCKMEN OF THE BIG HOLE BASIN,

Complainants.

vs.

OREGON SHORT LINE RAILROAD COMPANY,

Defendant.

IN THE MATTER OF Constructing Stock Yards and Stock  
Loading Facilities at Divide, Montana.

HEARING, April 22nd, 1913.

DECIDED, May 23rd, 1913.

## REPORT AND ORDER OF THE COMMISSION.

## Number 63.

Hearing was regularly held at Divide, April 22nd, 1913.

## REPRESENTED:

Complainants ..... By R. H. Jones,  
J. C. Shaw, stockmen.  
Defendant ..... By P. L. Williams, Counsel,  
" C. I. Tuttle, A. G. F. A.,  
" J. H. McLaughlin, representing  
Operating Department.

## COMMISSIONERS:

Morley,  
Hall.

By complaint filed March 21st, 1913, it is alleged that owing to the failure and refusal of the Oregon Short Line Railroad Company to provide stock yards and shipping facilities at Divide, it is necessary to drive stock over the mountainous roads to Anaconda, entailing danger and deterioration to the stock. That Divide is the natural and logical location for such facilities, and complainants pray that the Commission shall so order. For answer to the complaint, defendant denies the application and avers, First: That it has not sufficient nor suitable land on which to construct the same. Second: It is not the most convenient location for such yards. Third: That the business handled there if yards were provided, would not justify the expense necessarily entailed.

What is known as the Big Hole Basin, is an extensive stock

raising section comprising an area of about 15 miles wide, and 60 miles long, situated for the greater part in Beaverhead County. The territory embraced is interspersed with mountain ranges, affording shelter to stock in winter months, and producing an abundance of hay and other feed. Generally speaking, it may be said that the Oregon Short Line Railroad forms the eastern boundary of the Big Hole country, although at the present time, the testimony shows that there is practically no stock feeding within 15 miles of the railroad, the only reason for this being the absence of loading facilities on the Oregon Short Line, and the impracticability of driving stock great distances and over mountain ranges to Anaconda, a shipping point on the line of the Butte, Anaconda & Pacific Railway, which would take four days at least, while to Divide, but one day would be required.

Wisdom is the principal town in the Big Hole Basin, and it may be said, is the center of the stock industry. By the topography of the country, the basin is divided into two parts, known as the "Upper" and "Lower," the "Lower" having its outlet at Red Rock on the Oregon Short Line Railroad, where stock yards are located. The "Upper" outlet being Anaconda, and this complaint was brought for the purpose of requiring the Oregon Short Line Railroad Company to build yards at Divide, the alleged natural gateway through which the business should move.

The record shows that there were, at the time this hearing was held, between 18,000 and 20,000 head of stock feeding in the Big Hole, about equally divided between the "Upper" and "Lower" basins, which would mean that there were in the neighborhood of 10,000 head in the territory tributary to Divide. It also shows that between 12,000 and 14,000 head loaded at Anaconda last spring. The greater portion of these are shipped to Seattle and Tacoma markets. No complaint is made by the shippers in the "Lower" country, who load at Red Rock, as there appears to be no better outlet, but the cattle from the "Upper" section cannot be driven to Red Rock, first, on account of the distance (about 90 miles), and second, on account of having to cross the range. The objection as to distance, however, does not apply to Anaconda, as from Wisdom, the distance is about the same to either Anaconda or Divide, but



in order to reach the former, the stock must be driven over the range at an elevation of 7,200 feet, almost impassable at certain seasons of the year, and at all times objectionable, due to the steep descent from the summit into Anaconda, a declivity of 2,000 feet in about 3 miles. This, it is alleged by the stockmen, has a demoralizing effect on the cattle, resulting in serious injury from loss and shrinkage; while to Divide, the drive would follow a gradual slope for practically the entire distance; would be made in considerably less time, and with infinitely less deterioration to the stock, enabling the complainants to put their cattle on the cars in good marketable condition.

Complainants transact all of their business with the railroad company, (except stock business), at Divide; that is, all of the supplies for the "Upper" section are received at that station, and we find that the revenue of the railroad company at that point for the past year, was \$30,730.50, or an average of about \$2,560.00 per month. The reports show that of this amount, \$19,310.00 was charged on freight received, while the outgoing business amounted to only \$2,269.53. It is not possible in this decision, to say what the revenue of Divide station would be with proper stock loading facilities, but attention is called to the fact as already stated, that between 12,000 and 14,000 head were loaded at Anaconda last spring, and all this business would have been handled at Divide had there been the facilities requested in this complaint.

That portion of the defendant's denial of the petition, stating that the company did not own sufficient or suitable land for the purpose, is taken care of in Mr. Geoffrey Lavell's testimony, offering to give the railroad company its choice of sites for yards at Divide, Mr. Lavell being the owner of much land in that vicinity. Defendant estimates the cost of suitable yards and necessary trackage at \$5,000.00. There can be no question about stock yards at Divide being an absolute necessity for the proper conduct of the business which these complainants have to offer the railroad company for transportation, and on account of having the shortest line, stock from the Big Hole country, destined to Seattle and Tacoma, would move via the northern route through Silver Bow, the Oregon Short Line getting the haul from Divide to Silver Bow, only a distance of about 20

miles, and it is quite apparent that the only reason why the defendant is opposing this petition is because the short haul does not offer attractive revenue. The Commission does not understand, however, that a carrier has the privilege of declining to handle business offered to it, whether it be great or small, and we believe that the conditions as set forth in this report, fully entitle complainants to the relief prayed for, and furthermore, the defendant has failed to show that Divide is not the most convenient location, or that the business transacted would not justify, as alleged in its answer.

#### Order.

This case being at issue upon complaint and answer filed, and having been duly heard and submitted by the parties hereto, and a full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made its report containing its findings of fact and conclusions thereon, which said report is made a part hereof:

IT IS ORDERED that the Oregon Short Line Railroad Company shall construct at Divide, Montana, stock yards and appurtenances necessary to accommodate 500 head of cattle at one time; that the work of construction shall commence not later than sixty (60) days after Mr. Geoffrey Lavell has given to the said Oregon Short Line Railroad Company, the necessary site as hereinbefore referred to. The said Geoffrey Lavell shall notify the Commission when the transfer of the ground has been made to the railroad company, and the said railroad company shall notify the Commission when the work of constructing the stock yards hereby ordered, has been commenced.

The Secretary is directed to serve upon the Oregon Short Line Railroad Company, a true and certified copy of this Report and Order.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Dated at Helena, Montana, May 23rd, 1913.

## BEFORE THE RAILROAD COMMISSION OF MONTANA

Docket No. 377.

LOTHAIR, Residents of and Vicinity,

Complainants,

vs.

GREAT NORTHERN RAILWAY COMPANY,

Defendant.

IN THE MATTER OF Establishing an Agency at Lothair,  
Montana.

HEARING, May 13th, 1913.

DECIDED, May 26th, 1913.

## REPORT AND ORDER OF THE COMMISSION.

## Number 64.

Hearing was regularly held at Lothair, May 13th, 1913.

## REPRESENTED:

Complainants .....	In Person.
Defendant .....	By Wm. L. Clift, Counsel.
	W. S. Herman, T. F. & P. A.

## COMMISSIONERS:

Boyle.  
Hall.

By complaint filed March 29th, 1913, it was alleged that the amount of traffic and travel to and from Lothair, was of sufficient volume to require the services of an agent. In its answer, defendant denied the application on the ground that the business did not justify the expense.

Lothair is a station on the main line of the Great Northern Railway in Hill county, the nearest agency being Galata on the west, and Chester on the east, distant from Lothair 5.9 and 13.11 miles respectively, making the distance between agencies 19 miles. The record shows that Lothair, on account of the lay of the country, and the condition of the roads, is the most convenient railroad point for the territory extending three miles west and six miles east of that station; north almost to the Canadian boundary, and south to the Marias River, embracing eight townships, or about 180,000 acres of land, and according

to the best estimates of witnesses, there are residing in that district at the present time, approximately 700 families, having under cultivation between 13,000 and 15,000 acres, said to be about ten times the amount of land broken a year ago. At the time this hearing was held, there were 11 plow outfits working in the district tributary to Lothair, but according to witnesses, the greater portion of the breaking was being done by teams.

Up to this time, the Lothair section had not had much of anything to offer the railway company for transportation; that is, they have had nothing to ship out, the first crop harvested being that of 1912, but with the development of the past year, the business of Lothair station should and undoubtedly will be greatly increased. For the year ending December 31st, 1912, the total receipts of that station amounted to \$11,850.97, an average of about \$996.00 per month. For the months July, 1911, to February, 1912, inclusive, the railway company's revenue amounted to but \$3,582.00, an average of about \$448.00 per month, while for the period July, 1912, to February, 1913, inclusive, total earnings show \$8,297.86, an average of approximately \$1,037.00 per month, and it will be noted, more than double that for the previous eight month period.

Lothair has a portable depot, capable of taking care of the business for the present, and in view of the showing as summarized in this report, we are of the opinion that the business handled at that station warrants the services of an agent to properly protect the interests of the carrier's patrons as alleged in the complaint.

#### Order.

This case being at issue upon complaint and answer filed, and having been duly heard and submitted by the parties hereto, and a full investigation of the matters and things involved having been had, and the Commission having on the date hereof, made its report containing its findings of fact and conclusions thereon, which said report is made a part hereof:

IT IS ORDERED that the Great Northern Railway Company shall not later than August 1st, 1913, open Lothair station with an agent in charge for the handling of freight and passenger business, and the said Great Northern Railway Company shall notify the Commission on or before said date, whether or not this order has been complied with.

The Secretary is directed to serve upon the defendant a true and certified copy of this Report and Order, which shall remain in force and effect until the further order or approval of the Commission.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Dated Helena, Montana, June 2nd, 1913.

## BEFORE THE RAILROAD COMMISSION OF MONTANA

Docket No. 378.

COLUMBIA FALLS COMMERCIAL CLUB,

Complainant,

vs.

GREAT NORTHERN RAILWAY COMPANY,

Defendant.

IN THE MATTER OF Alleged Unreasonable and Inadequate  
Facilities for the Receiving and Delivering of Less Than  
Carload Freight at Columbia Falls.

HEARING, May 14th, 1912.

REPORT OF THE COMMISSION.

## Number 65.

Hearing was regularly held at Columbia Falls, May 14th, 1913.

## REPRESENTED:

Complainant ..... By A. N. Smith, Counsel.  
Defendant ..... By W. N. Noffsinger, Counsel,  
" Wm. S. Herman, T. F. & P. A.

## COMMISSIONERS:

Boyle,  
Hall.

By complaint filed March 3rd, 1913, it is alleged that on account of the house track being at practically all times blocked with cars, the freight house door is inaccessible, and the only means of receiving or delivering less than carload freight is at the west end of the platform, approximately 80 feet distant from the freight house door, and for relief complainant prays that a crossing be put in over the house track so that wagons may reach the platform opposite the door, and that the said house track be kept clear of cars a sufficient distance on either side of said crossing to insure safety.

In its answer defendant avers that to comply with this request, would prevent the placing of merchandise cars at the platform, and seriously interfere with the working of such cars; furthermore, that the proposed plan would expose persons and property to risk of accidents.

Columbia Falls is the junction point at which the Kalispell

branch of the Great Northern Railway connects with the main line, and is therefore a transfer station of considerable importance, Kalispell being the distributing center for much of the territory east and west of Columbia Falls. The depot is of the combination type with the house track extending the full length along the south side. The gentlemen's waiting room is located in the west end of the building, next comes the ticket office, then the ladies' waiting room, and in the east end the freight house. The latter is not accessible by teams from the east, and consequently freight must be received and delivered at the west end of the platform, necessitating trucking the entire length of the building. In fact, the record shows that this platform, which is narrow, is frequently blocked with merchandise, machinery, etc., and the truckers must take the freight completely around the depot in order to reach the drays.

It developed at the hearing that the Great Northern Railway Company contemplates the removal of its station building at Columbia Falls, to a new and more desirable location; possibly not this year, but the change has been practically decided upon, which would afford ample accommodations for the handling of less than carload freight as herein complained of, but to take care of the situation for the present, Superintendent Smith agreed to plank between the rails of the house track south of the depot, so as to enable teams to reach the platform opposite the freight house door, which proposition was satisfactory to the complainant, and the Commission is informed under date June 1st, that the work has been completed.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Dated Helena, Montana, June 4th, 1913.

## BEFORE THE RAILROAD COMMISSION OF MONTANA

Docket No. 369.

VANDALIA, Residents of and Vicinity,

Complainants,

vs.

GREAT NORTHERN RAILWAY COMPANY,

Defendant.

IN THE MATTER OF Alleged Inadequate Depot Facilities  
at Vandalia.

HEARING, May 22nd, 1913.

## REPORT OF THE COMMISSION.

## Number 66.

Hearing was regularly held at Vandalia, May 22nd, 1913.

## REPRESENTED:

Complainants .....	In Person.
Defendant .....	By W. Carswell, Asst. Supt.,
	W. S. Hermann, T. F. & P. A.

## COMMISSIONERS:

Boyle,  
Morley.  
Hall.

Vandalia is a non-agency station on the main line of the Great Northern Railway in Valley County, the nearest agency on the east being Tampico, 5.1 miles, and on the west, Hinsdale, 9 miles distant therefrom. By complaint filed April 16th, 1913, it is alleged that the defendant has not provided station facilities for the comfort of passengers waiting for trains, nor for the protection of freight, baggage and express; that the business transacted at that station justifies better accommodations, therefore prays that an order be made requiring the railway company to grant relief.

Upon the showing made at the hearing, defendant's representative, Mr. Carswell, agreed, and which was made a matter of record, that a portable depot 12x34 with waiting room, office and freight house, also a platform 100 feet long, would be recommended to the executive officers of the company for approval, but that the business at Vandalia at the present was



not sufficient to warrant the services of an agent. The latter, however, was not a part of the complaint, and with the understanding that a building and platform as herein referred to, will be installed, the Commission will defer its findings for sixty days from the date of this report.

The Secretary is directed to serve upon the Great Northern Railway Company, a true and certified copy of this report, and the latter shall notify the Commission not later than August 12th, 1913, whether or not satisfaction herein referred to has been accorded; provided, however, that in the event of the requisition for expenditure not being approved, the Commission shall be at once notified to that effect.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Helena, Montana, June 12th, 1912.

**BEFORE THE RAILROAD COMMISSION OF MONTANA**

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**Docket No. 376.**

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**GREAT FALLS COMMERCIAL CLUB,**

Complainant.

vs.

**GREAT NORTHERN RAILWAY COMPANY,**

Defendant.

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**IN THE MATTER OF Alleged Unreasonable Passenger Train  
Service Between Great Falls and Billings, Montana.**

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**REPORT OF THE COMMISSION.****Number 67.**

By complaint filed April 28th, 1913, it is alleged that the passenger train service furnished by defendant between Great Falls and Billings, is inadequate, the only through passenger train between these points being No. 43 west-bound, and No. 44 east-bound, which trains do not stop at all stations; that the service is particularly objectionable east-bound, on account of there being no morning train out of Great Falls earlier than No. 44, due to leave at 10:55 A. M., which is, however, frequently behind its schedule running time and close upon the time of No. 238, due to leave Great Falls at 2:35 P. M.; that the amount of travel over the lines of the defendant to and from Great Falls is amply sufficient to warrant improved train service between the points herein Referred to. Complainant prays for relief.

In its answer, defendant denies that the service referred to is inadequate, and on the contrary, alleges that the present service furnished by train No. 43 and train No. 44, also Nos 241 and 242 between Billings and Moccasin, and Nos. 237 and 238 between Great Falls and Lewistown, is entirely adequate to take care of the passenger traffic on said line between Great Falls and Billings. Therefore, prays that the complaint be dismissed.

On May 21st, 1913, this case was set for hearing at Great Falls on June 3rd. On June 2nd, however, counsel for defendant, notified the Commission by telephone, that information had just been received from St. Paul, that authority had been given

for an additional train between Great Falls and Lewistown, leaving the former at 6:15 A. M. and making direct connections at Moccasin for Billings, the new schedule to become effective Sunday, June 15th.

Under the proposed schedule the new train would leave Great Falls 6:15 A. M., arrive at Lewistown 11:15 A. M.; returning, leave Lewistown 4:10 P. M. and arrive Great Falls 9:20 P. M., making direct connections with trains 241 and 242 at Moccasin, to and from Billings. At the same time that this proposition was submitted to the Commission by phone, defendant had taken the matter up with complainants, and it being satisfactory to the latter, the complaint was withdrawn. The schedule referred to, went into effect as agreed, on June 15th.

The Commission is of the opinion, however, that the best results will not be obtained on account of this train leaving Great Falls at so early an hour in the morning. Departing at 6:15 means arising at 4:30 or 5:00 o'clock, and there are many travelers, particularly in the fall and winter months, who will not avail themselves of the early train on account of its hour of departure. We believe that it would have been better to card this train out of Great Falls at 7:00 A. M.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Dated at Helena, Montana, June 17th, 1913.

## UPON THE INITIAL MOTION OF THE RAILROAD COMMISSION OF MONTANA.

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Docket No. 391.

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IN THE MATTER OF Requiring the Great Northern and Chicago, Milwaukee & St. Paul Railway Companies to Connect Their Tracks and Establish Station Facilities Near Lavina, Montana.

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HEARING, April 15th, 1913.  
DECIDED, July 16th, 1913.

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### REPORT AND ORDER OF THE COMMISSION.

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#### Number 68.

Hearing was regularly held at Billings, April 15th, 1913.

#### REPRESENTED:

Great Northern Railway Co.....	By Wm. L. Clift.
C., M. & St. P. Ry. Co.....	" T. A. Matthews.
Billings Chamber of Commerce.....	By W. A. Selvidge,
	" H. A. Bolles.

#### COMMISSIONERS:

Boyle,  
Morley,

This investigation was brought by the Commission upon its own initiatory to determine the necessity and feasibility of establishing track connections and station facilities for the interchange of passengers, also carload and less than carload freight, baggage and express, between the respective lines of railroad, at a point approximately 5 miles west of Lavina, where the Great Northern crosses, overhead, the line of the C., M. & St. P. Ry. Prior to this time a number of petitions and considerable correspondence had been directed to the Commission, some alleging the extreme necessity for interchange at that point, while other prayed that such action should not be taken, deploring the result as being detrimental to the interests of certain communities, and not warranted by the possible benefits that might accrue to others.

The C., M. & St. P. Ry. traverses, east and west, Custer, Rosebud, Musselshell and Meagher counties, Miles City being its eastern connection with the Northern Pacific Railway; the distance from Billings to Miles City is 146.7 miles. We cite

the mileage from Billings for the reason that the line of the Great Northern does not extend east of Billings, and that distributing point, with interchange at Lavina, would serve at least a portion of the territory tributary to the intersection of the two lines of railroad. On the other hand, the distance by rail from Billings to, say, Roundup, would be shortened by reason of interchange at Lavina, as follows:

Billings to Roundup via Miles City, 292.6 miles.

Billings to Roundup via Lavina, 108 miles.

while from Billings to Roundup via Judith Gap (as at present), is about 207 miles; thus it will be seen that a connection at Lavina would shorten the distance between Billings and Roundup (the principal point, and county seat of Musselshell County), about 100 miles; this being based on Judith Gap, having the shortest route, but the question to determine is, whether or not the business available for transportation over these two lines of railroad would be sufficient to warrant interchange at Lavina, either in carloads or less than carload lots.

As stated, this investigation was brought upon the initial motion of the Commission, and although well advertised, about the only testimony in support of the facilities in question was furnished by the Billings Chamber of Commerce and associated local interests, largely to the effect that the territory to be benefited by this connection, would be developed by reason of bringing the Musselshell Valley into contiguity with the city of Billings. Arguments were offered to show that Billings, as a distributing point, should supply that region traversed by the C., M. & St. P. Ry. east and west of Lavina, and also that development would be retarded until Billings is made more accessible by reason of these united railroad facilities. For example, it is claimed that there are fifty thousand acres of land along the line of the C., M. & St. P. in the Musselshell Valley, 50 miles east and west of Lavina, that would be raising sugar beets, if they could reach the factory at Billings. At the same time, testimony was offered to show that the absence of track connection at Lavina was derogatory to the interests of the "Musselshell Country," inasmuch as the importation of hay and alfalfa from the Yellowstone Valley necessitated the round-about-haul and made the fodder cost from twenty to twenty-five dollars per ton. It is probably true

that sugar beets can be raised successfully along the line of the C., M. & St. P. Ry., and that large areas of land are available, but where would this product find a market? The only sugar factory in Montana is located at Billings, and it is a fact that the acreage in beets is already limited by reason of the plant's capacity; a much greater tonnage of beets would be supplied by the "Yellowstone Country," immediately tributary to Billings, if **same could be marketed**, and in view of this condition, it is not apparent why the connection at Lavina is a necessity from the standpoint of sugar beet raising; at least until such time as the capacity of the factory is enlarged. Then again, it would seem as though it would be more profitable to raise alfalfa in the Musselshell Valley, instead of being obliged to ship it in at the high prices referred to above. Apart from the commerce presumed to develop from the growing of sugar beets and the importation of hay from the south, there does not appear to be a great deal of carload freight that would move via Lavina, assuming the tracks were connected at that point. It is true that Billings claims there would be a traffic in beer, machinery, agricultural implements, etc., and no doubt there would be some, but it was clearly shown by the evidence of those testifying, Billings included, that practically all carload movement, originating Twin Cities or east, is transported direct to destination in Musselshell Valley, and would not move via a transfer at Lavina, even though the order were placed through a Billings agent. The records also show that a great portion of the beer shipped in carloads to Musselshell territory, originates at Helena, Montana, and that in all such cases, as cited above, a track connection at Lavina would not be of benefit, or used even though installed and fully equipped. The Commission is not convinced from the record, that the prospective business, which it is supposed would move via Lavina, is sufficiently assured to warrant the expense of installing the desired connection, estimated to cost in the neighborhood of \$8,000.00. Consideration must be given to the full effect which would result from an order so requiring, not only from the points of vantage to the shippers, but from the carriers' side of the question as well.

We are of the opinion, however, that there should be facilities at Lavina for the interchange of passengers, baggage, ex-

press and less than carload shipments of freight. We believe that a considerable portion of the "Musselshell Country" should be reached from Billings as a jobbing center, having the advantage of proximity, and being one of the wholesale cities of the state. There can be no question that the traveling public as a whole, would be thus better served, not only from a dollars and cents standpoint, but in a saving of much valuable time, to which the people are entitled.

#### Order.

This case being at issue upon the initial motion of the Board, and having been duly heard and submitted by the parties hereto, and a full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made its report containing its findings of fact and conclusions thereon, which said report is made a part hereof:

#### IT IS ORDERED:

1st: That the Great Northern Railway Company and the Chicago, Milwaukee & St. Paul Railway Company, shall install depot and station facilities where their respective lines cross as herein referred to near Lavina, Montana, for the handling of passengers, baggage and express, and less than carload shipments of freight.

2nd: Said depot and station facilities may be jointly owned and operated by the carriers, or may be independently owned and operated as the parties defendant may elect.

3rd: Said depot (or depots) must be kept open at all times to the ingress and egress of passengers, and shall be properly heated and lighted at such times as heat and light are necessary.

4th: That an agent (or agents) shall be placed in charge thereof.

5th: That the work of installing the facilities hereby ordered shall commence not later than sixty days from the date hereof, and the carriers parties hereto shall notify the Commission when construction has been commenced, and when the work has been completed.

This Order shall remain in effect until the further order or approval of the Commission, and the Secretary is directed to serve a true and certified copy on the proper officer of the Great Northern Railway Company, and the Chicago, Milwau-

kee & St. Paul Railway Company, and obtain therefor acknowledgment.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Helena, Montana, July 18th, 1913.

Commissioner Boyle dissenting, as follows:

I concur in the order requiring the installation of station facilities at Lavina for the interchange of passengers, baggage and express, and less than carload shipments of freight; I cannot, however, concur in the findings of fact as set forth in this report. I am personally familiar with the territory that would be served by reason of track connection at that point, and I feel that the people living along the line of the C., M. & St. P. Ry. are entitled to transportation facilities such as will enable them to buy or sell in the Billings markets if they find it to their advantage to do so. **Distance** is a considerable factor in shipping; in many cases, it controls entirely, and for the expenditure of a comparatively small sum, the lines of railroad involved in this action, could be connected and thus place at the disposal of the Yellowstone and Musselshell Valleys, a shorter route by about one hundred miles.

The C., M. & St. P. and the Northern Pacific parallel each other for hundreds of miles in Montana, and have track connections at many less important points than Lavina, and the latter should not be discriminated against to enable certain localities to hold a monopoly at the expense of the shipper and consumer.

I agree with the majority report that Billings is one of the principal wholesale cities of the state, and the Musselshell Valley, with its thousands of acres of land should not in my opinion, be deprived of the benefits of such a market. As a matter of fact, the record shows that many carloads of freight moved into the Musselshell Country through Judith Gap, and which would have been handled via Lavina, the natural and logical gateway. It is not possible, of course, to say what business would be interchanged at Lavina, that is wholly a matter of conjecture, nor do I feel called upon to say what kind of crops the Musselshell should raise, whether sugar beets, grain or hay, but whatever they raise or whatever they ship in,



should not be hampered by the lack of railroad facilities, so near at hand, and yet just beyond their reach.

A connection at Lavina would open up an interchange of traffic east and west on the C., M. & St. P. and north and south on the Great Northern; it would do much toward developing the common territory served by these two lines of railroad. Legitimate, healthy competition has never hurt any community; on the contrary, it stimulates trade, and the people get the benefit. For these reasons I am convinced that the connection should be made.

D. BOYLE, Commissioner.

Docket No. 387.

Complainants,

GREAT NORTHERN RAILWAY COMPANY.

Defendant.

HEARING, July 1st, 1913.

DECIDED, August 4th, 1913.

## REPORT AND ORDER OF THE COMMISSION.

Number 69.

Hearing was regularly held at Floweree, July 1st, 1913.

**REPRESENTED:**

Complainants .....By Vernon E. Lewis.  
Defendant .....“ P. C. Allen, Div. Supt.,  
                .....“ W. S. Hermann, T. F. & P. A.

**COMMISSIONERS:**

Boyle,  
Hall.

Floweree is a station located on the Great Falls-Havre line of the Great Northern Railway; the nearest agencies on either side being Carter on the east, 5.1 miles distant, and Portage on the west 7.5 miles, making the distance between open stations 12.6 miles. By petition filed June 2nd, complainants alleged that the service rendered by the defendant at that station was insufficient and inadequate and prayed that a suitable station building be erected and an agent placed in charge.

The testimony of witnesses shows that there are 198 sections (126,720 acres) tributary to Flowerree, and it is estimated that fully one-third or about 42,000 acres is under cultivation this year, being an increase of approximately 100% over 1912. At the time this hearing was held, there were 15 power plow outfits working in that vicinity, 9 threshing outfits on hand

or en route to take care of this season's crop, which was well advanced and practically assured. It was estimated by competent witnesses that there would be 100 cars of grain shipped from Floweree this fall.

Superintendent Allen made the following statement for the record:

"I have not asked any questions while these gentlemen were talking, because I realize that their complaints are all right. I don't think they are exaggerated. The trouble at Floweree has been that the business has grown so fast that we have not kept up with it. \* \* \* We have been figuring on putting in, as soon as we get a shovel in Portage Pit, about July 15th, a standard industrial track 1,200 feet long when finished, \* \* \* and do all business there without having the cars moved on the siding as they now are. The great complaint about the cars on the passing track is absolutely just, \* \* \* but putting in this track, will eliminate all that trouble. \* \* \* In connection with the industry track, we will grade up a good driveway between the industry track and the passing track. \* \* \* A year ago or a year and a half ago, we hadn't any idea and I don't think you had, that the business was going to grow so fast. We are just as pleased as you are. It has gone ahead of everybody."

Mr. Allen then suggested that an arrangement be made with some one resident of Floweree, to sell tickets, look after express, order cars, report shortages, etc.; in other words, a custodian to take care of the interests of both the people and the railway company.

The records show that for the year ending April 30th, 1913, the freight and passenger business handled at Floweree amounted to \$15,891.12, or an average of about \$1,325.00 per month. It is very evident from the record that the country tributary to that station has developed very fast during the past year. The industrial track referred to by Superintendent Allen, while not a part of this complaint, will be of much benefit to complainants in the matter of loading and unloading carload freight; likewise the services of a custodian would

improve conditions materially, but the prayer of these petitioners is for the construction of a depot with an agent in charge for the proper handling of the business at that station. The Commission is of the opinion that the amount of traffic in and out of Floweree is sufficient to justify the petition, and should be granted to afford what the law contemplates as "Reasonable Service."

#### Order.

This case being at issue upon complaint and answer filed, and having been duly heard and submitted by the parties hereto, and a full investigation of the matters and things involved having been had, and the Commission having on the date hereof, made its report containing its findings of fact and conclusions thereon, which said report is made a part hereof:

IT IS ORDERED that the Great Northern Railway Company shall construct at the station of Floweree, a suitable depot building for the handling of passengers, freight, baggage and express; that the work shall be commenced not later than September 1st, 1913, and shall be completed without unreasonable delay. That upon completion of said depot, an agency shall be established at that station; that a custodian shall be appointed not later than August 15th, 1913, whose duty it shall be to look after and properly care for less than carload shipments of freight, baggage and express; he shall also have access to the railway company's telephone for the purpose of ordering cars, ascertaining when trains will arrive, and any and all other matters pertaining to the railway company's business.

The Secretary is directed to serve a true and certified copy of this Report and Order upon the proper officer of the defendant, and obtain acknowledgment therefor, which said order shall remain in full force and effect until the further order or approval of this Commission.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Helena, Montana, August 8th, 1913.

## BEFORE THE RAILROAD COMMISSION OF MONTANA

Docket No. 389.

KALISPELL CHAMBER OF COMMERCE,

Complainant,

vs.

GREAT NORTHERN RAILWAY COMPANY,

Defendant.

IN THE MATTER OF Alleged Insufficient and Inadequate  
 Passenger Train Service Between Kalispell and Gateway.

HEARING, July 29th, 1913.

DECIDED, September 16th, 1913.

## REPORT AND ORDER OF THE COMMISSION.

## Number 72.

Hearing was regularly held at Kalispell, July 29th, 1913.

## REPRESENTED:

Complainant .....	By W. B. Rhoades.
Defendant .....	" Noffsinger & Walchli, Counsel,
	" J. T. McGaughey, A. G. F. & P. A.
	" John Sesser, Div. Supt.

## COMMISSIONERS:

Morley,  
 Boyle,

By complaint filed June 23rd, 1913, it is alleged that the present passenger train service between Kalispell and Gateway is inadequate; that the territory embraced is handicapped for lack of proper transportation, and therefore prays that defendant be required to operate a daily local passenger train, in daylight, between the points mentioned, for the proper and reasonable accommodation of the public.

The city of Kalispell is located on a branch line, distant from Columbia Falls (the junction with the main line), 14.8 miles. Gateway is located on a branch line, distant from Rexford (the junction with the main line), 9.8 miles. The distance between Columbia Falls and Rexford is 69.4 miles; thus it will be noted that the train service prayed for involves a territory extending north and west from Kalispell a distance of 94 miles.

Between Kalispell and Columbia Falls Jct., a local passenger

train operates back and forth in connection with main line trains in either direction. Between Rexford and Gateway, (the international boundary between Montana and British Columbia), the service is daily except Sunday. It may be well to explain that this latter service extends beyond Gateway to Michel, Canada; the distance Rexford to Michel is 82.6 miles. This train leaves Rexford at 7:00 A. M., after the arrival of train No. 4 from the west at 6:04 A. M., and returning arrives at 3:30 P. M., making connection with No. 2 for the east. In the 69.4 miles between Columbia Falls and Rexford, there are thirteen stations, the principal points being Whitefish, Stryker, Fortine and Eureka. The first named is a railway division terminal; at Eureka all passenger trains stop east and west-bound. Train No. 3 stops at Fortine at 12:15 P. M. At all other stations, the only trains stopping are numbers 43 west-bound and 44 east-bound, both of which are **night trains** passing over the district between 10:00 P. M. and 2:00 A. M. when on time.

Kalispell is a city of about seven thousand population; the logical distributing center for all of the territory covered by this complaint, and at one time was on the main line of the Great Northern Railway. Several years ago, however, the new main line was built west from Columbia Falls, and the track taken up beyond Marion, leaving Kalispell, as stated, on a branch. This has been a serious draw-back to the commercial interests of Kalispell, and a great inconvenience to passenger travel. Take for example, a passenger from Fortine for Kalispell. He must take train No. 44 at 10:40 P. M., arrive at Columbia Falls 12:42 A. M., change cars, leave Columbia Falls at 12:50 A. M. and arrive Kalispell 1:20 A. M. This is the very best the Fortine passenger can do, **when trains are on time**. Then again, a passenger going from Kalispell to Stryker would leave Kalispell at 9:25 P. M., arrive Columbia Falls 10:00 P. M., there await train No. 43 due at 11:30 P. M., and arrive at Stryker at 1:02 A. M. It will be noted that there is a delay of one hour thirty minutes at Columbia Falls for train No. 43; this on account of the branch line trains making connection with train No. 1 due at Columbia Falls 10:22 P. M. When main line trains are late, the delay at Columbia Falls becomes more aggravated and increases the hardship of travel in and out of Kalispell. These citations fairly represent the incon-

veniences and disadvantages of the present train service. Stopping through main line trains at these numerous smaller stations would afford some relief, but not to the extent that the traffic evidently warrants; nor is the Commission disposed to burden these heavy trans-continental passenger trains with additional stops in order to handle local business.

We are of the opinion that the present service is unreasonable, in that it works a hardship upon the community served by it, and we are also of the opinion that a much greater volume of travel than the present would develop if convenient daylight train service were established.

**Order.**

This case being at issue upon complaint and answer filed, and having been duly heard and submitted by the parties thereto, and a full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made its report containing its findings of fact and conclusions thereon, which report is made a part hereof:

IT IS ORDERED that the Great Northern Railway Company shall, not later than October 10th, 1913, establish through local passenger train service between Kalispell and Gateway, Montana, for the handling of passengers, baggage and express, leaving Kalispell about 12:45 P. M. and arriving at Rexford about 3:45 p. m., connecting with train No. 2. In the opposite direction, leave Gateway about 12:15 P. M., arrive Rexford about 12:45 P. M., connecting with No. 3 for the west; arrive Kalispell about 4:00 P. M.

The Secretary is directed to serve upon the Great Northern Railway Company, a true and certified copy of this Report and Order, which will remain in effect until the further order or approval of the Commission.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Helena, Montana, September 18, 1913.

## BEFORE THE RAILROAD COMMISSION OF MONTANA

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Docket Nos. 370, 381.

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CARTER, Residents of and Vicinity,  
LOMA, Residents of and Vicinity,

Complainants,

vs.

GREAT NORTHERN RAILWAY COMPANY,

Defendant.

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IN THE MATTER OF Additional Loading Facilities.

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HEARING, at Carter, June 4, 1913.

HEARING, at Loma, May 21, 1913.

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REPORT OF THE COMMISSION.

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## Number 73.

These complaints were practically identical, and petitioned that a "loading platform" be erected for the more expeditious handling of grain, etc., to and from cars.

Hearing at Carter, June 4th, 1913.

## REPRESENTED:

Complainants ..... In Person.  
Defendant ..... By P. C. Allen, Div. Supt.,  
" W. S. Hermann, T. F. & P. A.

## COMMISSIONERS:

Boyle,  
Morley,  
Hall.

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Hearing at Loma, May 21st, 1913.

## REPRESENTED:

Complainants ..... By A. F. Flowers.  
Defendant ..... " P. C. Allen, Div. Supt.  
" W. S. Hermann, T. F. & P. A.

## COMMISSIONERS:

Boyle,  
Morley,

Chapter 26, Session Laws 1913, defines what shall constitute, and procedure necessary to require common carriers to erect loading platforms at stations, and from the nature of these complaints, it appeared that the petitioners wished to invoke the provisions of this recently enacted statute. It developed, however, at the hearings, that such was not the case, and what was really demanded, was better facilities for loading and un-



loading, which could be provided by widening out the wagon road alongside the team tracks, so as to enable a number of teams to work at the same time, instead of one waiting for the other. Superintendent Allen concurred in the necessity for these improvements and agreed to have the work done as soon as one of the steam shovels was moved to Portage Pit, about 12 miles south of Carter.

No order was made by the Commission pending the fulfillment of these promises, and we are now advised by the petitioners that the work has been completed, and in a satisfactory manner, and the complaints are therefore dismissed.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Dated Helena, Montana, October 15, 1913.

## **TRAIN SERVICE BETWEEN HELENA, DEER LODGE, WARM SPRINGS AND BUTTE.**

This matter was taken up by the Commission with the Northern Pacific Railway Company on October 7th, 1912. It was not on complaint. Under train schedules in effect at that time, passengers from Helena for Deer Lodge and Warm Springs were obliged to go via Butte, remaining in Butte until the next morning, or else take N. P. train No. 197 out of Butte at 6:25 p. m and stay over night at Warm Springs or Deer Lodge.

Northern Pacific west-bound train No. 3 was due at Garrison Junction 11:35 A. M., while train No. 196, known as the "Butte-Hamilton Stub," was due to leave Garrison at 10:50 A. M., missing the connection by 45 minutes. If this connection were made, practically all of the Helena travel would go via Garrison and the Northern Pacific. The people would have plenty of time at Deer Lodge and Warm Springs to transact business and take train No. 198 for Butte. The Northern Pacific Railway Co. was therefore requested to change the time of the "Butte-Hamilton Stub," running it a little later so as to reach Garrison about the same time as No. 3. The Commission's proposition was considered favorably by the railway company, and effective with time card No. 37, December 29th, 1912, the schedules were so arranged that train No. 196 made connection at Garrison with train No. 3, thus furnishing much needed passenger train service between Helena and points between Garrison and Butte.

It must be taken into consideration that No. 3 is a trans-continental train and cannot always be on time. It would not be reasonable to hold No. 196 at Garrison any great length of time to the discommodity of passengers on that train, but when train No. 3 is on time or nearly so, connection will be made.

### AMSTERDAM, CLOSING STATION.

September 10th, 1912, an agency was established at Amsterdam, on the Camp Creek Branch of the Northern Pacific Railway in Gallatin County, to take care of the crop movements, and on January 19th, 1913, the railway company requested authority from the Commission to close the station as the business had practically all moved out.

The Camp Creek Branch has just recently been constructed, and except during the grain season, there is very little traffic movement to or from points on that line. It has not been necessary to establish regular train service, either freight or passenger, and upon consideration of all the conditions, the agency was authorized discontinued until such time as would warrant its reinstatement.

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#### Subject: Depot and Agency.

Lennepe, Montana, Residents of and Vicinity,

vs.

Chicago, Milwaukee & St. Paul Railway Company.

Lennepe is located on the main line of the Chicago, Milwaukee & St. Paul Railway in Meagher County, and this complaint which is dated November 12th, 1912, alleged that the freight, express and passenger business to and from that station was of sufficient volume to warrant the services of an agent, and a station building. Investigation showed that three operators were employed at Lennepe, and that the railway company had on its budget for 1913, a new depot.

The need for the new station building was not so apparent as that of the agent's services. The present quarters would answer the purpose for the time being, and complainants were agreeable to foregoing that portion of their petition in regard to the building, provided the agency were established without delay. Lennepe was opened with an agent in charge January 28th, 1913, and upon the understanding that a new depot is to be built the coming season, complaint has been withdrawn.

**Subject: Delay at Freight Depot, Helena.**

Holter Hardware Company,

vs.

Great Northern Railway Co.

This complaint, dated November 26th, 1912, stated that teams were being seriously delayed at the Great Northern freight depot at Helena, on account of business being received at one door only, the greatest trouble being late in the afternoon. An investigation was made of the facilities, and the manner in which freight was being checked into the warehouse, and it was found that under ordinary conditions, the business was being handled with reasonable dispatch, but at times when a number of teams arrived at the freight depot together, some delay resulted. It appeared also to be the practice of many shippers to hold their freight until about four o'clock in the afternoon, while earlier in the day there was very little business offered.

The complaint was informal and so handled, and under date of February 13th, 1913, the complainant advises that there has been no trouble during the past six weeks, and conditions appear to be much better.

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**Subject: Passenger Train Service.**

Myers, Residents of,

vs.

Northern Pacific Railway Company.

This complaint was informal and requested that passenger trains Nos. 3 and 4 on the Northern Pacific Railway be required to stop at Myers. Upon investigation it was shown that both of these trains, when on time, were night trains through Myers, and that train No. 5 westbound at 9:05 A. M. and train No. 6 east-bound at 12:40 P. M. were scheduled to stop at that station, and the necessity for the service of trains 3 and 4 was not apparent.

It was found that there are many stations between Forsyth and Billings which were quite as much entitled to additional service at Myers, and trains 3 and 4 being through trans-continental trains from Chicago to the Pacific Coast, the Commission was not disposed to interfere with their making running time, except upon a showing that without requiring these trains

to stop, the transportation facilities would be unreasonable. It has been our experience that where some concession is made at an intermediate point in the way of passenger train service, immediately neighboring towns of like importance demand the same consideration, which if granted, would make a local out of every passenger train.

For the reason that there was apparently no cause why an exception should be made in this particular instance, no action has been taken.

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**Subject: Reporting Passenger Trains.**

Fort Benton, Residents of,

vs.

Great Northern Railway Company.

Fort Benton is the county seat of Chouteau County, located on the Great Falls-Havre line of the Great Northern Railway, and complaint was made to the Commission as to erroneous and consequently unsatisfactory reports given the public by the railway company's representative, in regard to time of arrival of delayed passenger trains. An investigation was made, and such steps taken as would better the service. Under date January 9th, 1913, complainants advise "We have been getting excellent reports for the past sixty days, and have had no trouble of any kind recently. \* \* Because of your efforts, we have been getting much better service, and we thank you in the name of the people of Fort Benson and the traveling public."

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**Subject: Brady Passenger Train Service.**

Various Residents of Helena,

vs.

Great Northern Railway Company.

Brady is a station on the Great-Falls-Shelby line of the Great Northern Railway, 55.4 miles west of Great Falls, and is located in an extensive agricultural district. At the time this complaint was made, passengers from Helena were obliged to stay over night in Great Falls, and take the local train for Brady at 10:00 A. M. the following morning. Train No. 238 from Helena made connection at Great Falls with train No. 43 for the west, but this latter train was not carded to stop at Brady,

hence the request for the service of train No. 43 west-bound, and No. 44 east-bound.

The complaint was informal, and upon presentation of the facts to the railway company, it was arranged, effective with new time card which went into effect December 8th, 1912, to make Brady a flag stop for these two trains, which was entirely satisfactory to the complainants.

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### HANDLING EXPRESS AT CHOTEAU.

Choteau is an inland town, the county seat of Teton County, and distant from Collins about 25 miles, between which point and Choteau, the express business is handled by stage line.

Numerous petty complaints have been received from time to time, alleging that the system of issuing receipts for express charges paid to the stage company was unsatisfactory, and that the agent of the Great Northern Express at Collins had refused to furnish receipts except when the package was delivered to the consignee at the depot.

An investigation was made by the Commission, and it was found that the stage line company would issue a very ordinary receipt when requested by the Choteau consignees, but these receipts were practically of no value, as they did not contain reference to the shipments which they covered. In fact, there was nothing to show that the money paid was to cover express charges. The Great Northern Express Company did not see wherein it should be called upon to furnish receipts to Choteau, taking the view that the express company was an intermediate carrier and the stage line a delivering carrier, and that the express company should not be expected to furnish receipts any more than it would if the business had been transferred to another express company for delivery to destination.

There was no reason why the stage line company's receipt should not be as valid as that of the express company if properly executed, and the Commission prepared a form patterned after that of the express company, and requested the stage line to adopt its use. This has been done, and the people of Choteau are fully satisfied with the arrangement.

**Subject: Delay in Transit.**

A. M. Holter Hardware Company,

vs.

Northern Pacific Railway Company,  
Oregon Short Line Railroad Company,  
Gilmore & Pittsburgh Railroad Company.

Complainant is engaged in the hardware business at Helena, Montana, and complained that less than carload shipments from Helena to Salmon, Idaho, via the Northern Pacific, Oregon Short Line, and Gilmore & Pittsburg Railroads, were an excessive and unreasonable length of time in transit.

Upon investigation, it was found that delayed shipments were the rule rather than the exception, and for the greater part, the delays occurred at Butte and beyond. Effective January 6th, 1913, the Oregon Short Line Railroad inaugurated daily merchandise service from Butte to all points south, and under date March 8th, complainant advises that there has been a marked improvement and the cause for complaint removed.

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**TRAIN SERVICE, MARYSVILLE BRANCH,  
Northern Pacific Railway.**

The Marysville branch of the Northern Pacific Railway extends from Helena to Marysville, a mining camp, distant 21.6 miles. On May 21st, 1913, the railway company made application to the Commission to reduce the train service on this branch from daily (except Sunday), to four days per week, stating that the revenue was insufficient and that the deficit could be minimized by using this train and engine crew two days per week elsewhere; that a mixed train Mondays, Wednesdays, Fridays and Saturdays between Helena and Marysville, would amply take care of the business, and reasonably accommodate the traveling public.

While the matter was under investigation, a petition was received from the residents of Marysville, protesting against any curtailment in service, and on the contrary, praying that the Commission order this train to run on Sundays as well as every week day. It appeared to the Commission, from the best information obtainable, that there was more activity in the Marysville camp at the time this investigation was made, than for a number of years past. There was considerably more

freight being shipped in and correspondingly increased passenger travel.

Before this case was set for hearing, the railway company indicated its willingness to cancel its application for reduction in the service, providing the complainants would withdraw their request for Sunday train. This was agreeable, and the complaint was thereupon dismissed.

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**Subject: Additional Trackage.**

Dodson, Residents of, and Vicinity,

vs.

Great Northern Railway Company.

This complaint, filed June 5th, 1913, alleged as follows:

"That the tracks at Dodson for the loading and unloading of carload freight are inadequate; that it has been necessary on account of the blockaded conditions, to store cars for Dodson at Wagner for three days or more; that the shipping interests of that section suffer on account of this lack of loading facilities."

For relief complainants prayed that:

"Additional trackage be provided, and in such a way as to permit of the loading and unloading of cars with safety."

To satisfy the complaint, defendant agreed to and did construct five hundred feet additional industry track, which is sufficient to take care of the business of that station for the present.

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**Subject: Station Accommodations.**

Kolin, Residents of,

vs.

Great Northern Railway Company.

Kolin is a station on the new line of the Great Northern Railway from Moccasin to Lewistown, and on February 6th, 1913, complaint was made stating that while the railway company had provided a depot at that place, passengers were obliged to wait outside for trains, for the reason that the depot was always locked, and that trains were invariably late. This petition simply involved a question of leaving the key to the waiting room in the hands of some responsible person close at hand, and this was arranged to the satisfaction of all concerned.



**Subject: Station Accommodations.**  
Montana City, Residents of, and Vicinity,

vs.

Great Northern Railway Company.

Informal complaint made March 27th, 1913, requested that a building be provided at Montana City for the accommodation and comfort of passengers waiting for trains.

Montana City is a non-agency station, there being very little business to and from that point. It was arranged with the railway company to set aside one room of the section house as a waiting room for passengers, and complainants advise that this entirely satisfactory.

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#### **TRACKAGE AT LIBBY, MONTANA.**

On October, 1912, the Commission was asked to investigate conditions at Libby, Montana, on the line of the Great Northern Railway, with a view to providing additional loading and unloading tracks.

An investigation was made, and upon taking the matter up with the railway company, it was agreed to build an extension of 600 feet, which was considered ample to take care of all requirements. Upon request of the railway company, the work was temporarily deferred until spring, on account of the severe winter weather and heavy snow throughout western Montana. The work was commenced April 20th and we are advised under date of May 23d that the tracks have been completed to the entire satisfaction of complainants.

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**Subject: Station and Train Service.**  
Woolridge, Residents of, and Vicinity,

vs.

Great Northern Railway Company.

Informal complaint filed with the Commission March 25th, 1913, prayed that the Great Northern Railway Company be required to construct a station building, and require all local trains to stop at Woolridge.

Upon investigation it was found that the amount of business transacted with the railway company at that station, including freight received, freight forwarded, and passenger earnings, for the year 1912, averaged only about \$42.00 per month.

Several years ago, the railway company moved its tracks and water tank from Woolridge to a point about two and one-half miles east to what is now known as Ashfield, a short loading spur only being left at Woolridge, since which time the latter has not been shown as a station on the railway company's time table. To grant the request of these petitioners, would be to establish a new station but two and one-half miles from Ashfield, and with practically no revenue, either incoming or outgoing, upon which to base such an order. The complainants were advised that the Commission could not see wherein the complaint could be successfully prosecuted, under the circumstances, and no formal action has been taken.

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### **GLASGOW, STANDARD LOADING PLATFORM.**

Petition was filed with the Commission March 1st, 1913, requesting that a standard loading platform be constructed at Glasgow, on the line of the Great Northern Railway, in accordance with the provisions of Chapter 26, Session Laws of 1913, which is given in full in this report. (See Index, "Loading Platforms.")

It will be noted that the railway company has, in accordance with Section 1, sixty days within which to comply. The complaint in this case was served on March 3rd and answered April 25th, agreeing to construct said platform as soon as the work could be done in the regular course of business. The structure was completed without unnecessary delay, and complainants have advised the Commission that it is entirely satisfactory, and is filling a long felt want at that station.

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**Subject: Protection for Passengers.**

Lakeside, Residents of, and Vicinity,

vs.

Great Northern Railway Company.

Lakeside is a non-agency station on the main line of the Great Northern Railway in Valley County, and complaint was made to the Commission December 24th, 1912, praying that a building be provided for the protection of passengers waiting for trains.

The complaint was informal and so handled with the railway company. Defendant stated that it was the intention to erect

a building at that point in the spring of 1913, and that same was included in the budget of new work for the coming season. The necessity, however, for accommodations of some kind during the winter months was quite apparent, and on February 26th a box car body was set out to answer the purpose of a building temporarily.

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**Subject: Passenger Train Service.**

Philipsburg, Residents of,

vs.

Northern Pacific Railway Company.

By petition filed February 15th, 1913, complainants sought to change the time of the Drummond-Philipsburg branch line train so as to leave Philipsburg at 8 instead of 7 A. M. Investigation developed that the object in having this train leave Philipsburg at 7 o'clock was to make connection with east-bound passenger train No. 4 at Drummond. This, however, complainants cared nothing about, and stated that practically none of the travel went east of Drummond on No. 4, and that fully 95% of the travel was between Philipsburg, Butte and Anaconda, and that it would be eminently more satisfactory to the entire population of Philipsburg to have the train leave at 8 o'clock instead of 7.

It appearing that the request expressed the wishes of the majority of the people interested, application was made to the Northern Pacific Railway Company by the Commission, and on its time card taking effect April 27th, the change was made.

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**PORTAGE PASSENGER TRAIN SERVICE.**

Informal complaint was filed April 21st, 1913, praying that Great Northern trains Nos. 235 and 236 be required to stop at Portage for the accommodation of passengers to and from Great Falls.

Portage is a station on the Great Falls-Havre branch of the Great Northern Railway, 16.2 miles east of Great Falls, and is served by one local passenger train in each direction daily, viz., trains 223 and 224. The principal contention of complainants is that under the present service, passengers must remain in Great Falls over night, whereas if trains 235 and 236 were to stop at that station, they could transact their business

in the Falls and return home the same day. An examination of the time card shows this to be correct, and to grant the petition would undoubtedly be an accommodation to the people residing in that vicinity.

However, upon formal complaint, a public hearing was held January 29th, 1913, and as a result trains 223 and 224 were put on between Great Falls and Havre, in order to give that section a daylight train in each direction, and furthermore to relieve trains 235 and 236 of local work, the latter having schedule connections with through trains. It was thought that the additional local would fully satisfy the patrons of the railway company at these intermediate stations. In fact the record so states, and the Portage complaint is the only one that has been received since the new service was inaugurated.

The Commission is not of the opinion that it would be consistent to grant this request, and there is apparently no more necessity for stopping the through trains at Portage than at many other stations of like importance on that division. It should not be expected that these trains must stop at **all stations**, and if required to do so at Portage, it would, of necessity, to avoid discrimination, extend to practically all other points.

The complaint has accordingly been dismissed.

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### **BELGRADE PASSENGER TRAIN SERVICE.**

It was informally brought to the attention of the Commission on April 17th, 1913, that the west-bound passenger train service at Belgrade was unsatisfactory in that train No. 5 did not stop at that station, and as a result, passengers destined to points west of Logan were obliged to take a local train to Logan, and there await the arrival of train No. 5, which was frequently late, it being alleged that there were no accommodations at Logan, and besides entailed a loss of valuable time.

It was arranged with the Northern Pacific Railway Company to stop train No. 5 at Belgrade for passengers destined to points west of Logan, which is entirely satisfactory, and we are in receipt of advice from the people of Belgrade to that effect.

**HARLEM, MONTANA.****Loading Track Facilities.**

By complaint filed April 16, 1913, the citizens of Harlem alleged that the present industrial track was inadequate to accommodate the business of loading and unloading carload freight, and that by reason of such restricted facilities much of the business, which would ordinarily have been transacted at Harlem, had been diverted to adjoining stations; that complaint had been made at various times to the Great Northern Railway Company and relief had been as frequently promised, without results, however.

In its answer to this complaint defendant agreed to extend the present industry track at that station one thousand feet, the work to be done as soon as material could be secured. Accordingly the Commission took no further action, pending the fulfillment of this stipulation, and the extension was completed on August 19th. Petitioners advise "That the work has been done entirely to the satisfaction of your petitioners and will satisfy the needs of the town for a long time to come."

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**STATION FACILITIES AND TRAIN SERVICE.****Shawmut, Montana.**

By complaint filed April 18th, 1913, the residents of Shawmut and vicinity alleged that the Chicago, Milwaukee & St. Paul Railway Company had failed to provide reasonable facilities at that station, stating that the depot and freight room were inadequate to accommodate the amount of business handled, and as a result freight was frequently left outside and exposed to the elements and theft, and that the building was in an unsanitary condition.

An investigation was made which developed the fact that the depot at that station had burned down about two years ago, and as a temporary expediency the railway company had provided, in addition to a small building, two box cars for the housing of freight. The business transacted with the railway company at Shawmut has increased to the extent that these temporary quarters were found to be inadequate at the present time.

Perhaps the greatest difficulty with which these complainants had to contend was the lack of passenger train service. The

only trains carded to stop there passed through in the night and the complaint that the station facilities were insufficient was largely on account of the people being forced to wait in undesirable quarters for these night trains, particularly when late.

The railway company agreed to and did provide additional temporary buildings for the protection of freight, baggage and express, improved its facilities for the loading and unloading of freight, and also added the service of trains 15 and 16, both passing through Shawmut in daylight. These improvements are satisfactory to the complainants for the present, and until such time as a new depot is constructed.

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### **SALTESE AGENCY AND STATION ACCOMMODATIONS**

Saltese is a station on the main line of the Chicago, Milwaukee & St. Paul Railway, close to the Montana-Idaho line. On July 28th, 1913, petition was presented to the Commission, praying that an agency be established at that station and that a stairway be constructed from the street to the depot, the latter being at an elevation of about eighty feet above the town and difficult of access on account of the steep bank.

Upon investigation it was found that the railway company's earnings at Saltese were not sufficient to warrant the services of an agent, but inasmuch as it was necessary to maintain telegraph operators there, the railway company expressed its willingness to have one of the operators checked in as an agent, with the understanding that such agency is to continue only so long as the railway company finds it necessary to maintain telegraph service. This was agreed upon and the station was opened with an agent in charge, September 11th, 1913, and on or about the same date the stairway referred to was completed. The complaint has been satisfied.

### **LOADING TRACK BETWEEN KEVIN AND VIRDEN.**

On June 28th, 1913, the farmers residing between Kevin and Virden on the Sweetgrass Branch of the Great Northern Railway, petitioned the Commission for a loading track approximately midway between these points, to facilitate the loading of grain and other commodities. An investigation was made of the conditions, and upon informal application to the railway company, a five hundred foot track was constructed, the same being completed on September 25th. The location of this track

is entirely satisfactory to the complainants, although not exactly at the point named in the original complaint. It is easy of access, and affords relief to practically all of the farmers in that vicinity.

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### **PASSENGER TRAIN SERVICE, TARKIO.**

By petition filed October 7th, 1913, the residents of Tarkio and vicinity complained that the Chicago, Milwaukee & St. Paul Railway Company had discontinued stopping its passenger trains at that station, and as a consequence, complainants were obliged to cross the river to the Northern Pacific, using a toll bridge and paying a fee therefor, as well as being a great inconvenience, particularly at night.

The Commission explained the situation to the C., M. & St. P. Ry. Co., and it was immediately arranged that one passenger train in each direction daily would stop at Tarkio when there were passengers to get on or off.

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### **CHAPTER 26, SESSION LAWS, 1913.**

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#### **"An Act Relating to the Erection of Platforms by Railroads." BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:**

Section 1. Every Railroad Company doing business in this State shall within sixty days after notice from the Board of Railroad Commissioners of the State of Montana erect one or more platforms for the transfer of live stock, grain and other commodities from wagons or otherwise to cars at each and every station or siding designated in such notice; such platforms to be erected so as not to endanger life and property. If any railroad company after receiving notice as provided for in this section shall fail, refuse or neglect to erect platforms as required by this and the following section within the required sixty days, the said Board of Railroad Commissioners are authorized and empowered and it is made their duty to notify such railroad company to appear before them at a certain time and place and show cause, if any there is, why such Board of Railroad Commissioners should not issue an order requiring such railroad company to comply with the requirements of this section. The said Board of Railroad Commissioners shall have

power, after such hearing, to issue an order upon said railroad company commanding it to erect such platforms, if the Board of Railroad Commissioners shall upon such examination and hearing deem such platform necessary. Any notice required to be served upon any railroad company to carry out any of the provisions of this section or similar provisions relating to the enlarging of such platforms may be served upon any agent of said company within the State of Montana.

Section 2. Each platform shall be not less than twelve feet wide and thirty-two feet long, extending four feet and six inches, or such a height as shall be determined by said Board of Railroad Commissioners above the rails of the track with suitable approaches to and from such platform to admit of the driving of loaded teams thereon.

Section 3. The Board of Railroad Commissioners shall have power to order an enlargement of such platforms whenever petitioned to that effect and whenever the capacity of such platforms is in their judgment clearly insufficient for the accommodation of the public.

Section 4. Every railroad company shall allow suitable scales to be erected either upon the platform or upon the grounds adjacent thereto, if upon their right of way, for weighing and shipping purposes.

Section 5. Every railroad company neglecting or refusing to comply with the requirements of this Act shall be deemed guilty of a misdemeanor and be subject to a fine of not less than five hundred dollars for every thirty days such failure shall continue after notice as aforesaid.

Section 6. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved February 15th, 1913.





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PART II.  
TARIFFS, RATES AND CHARGES.

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# BEFORE THE RAILROAD COMMISSION OF MONTANA

INITIAL MOTION OF THE BOARD,

vs.

CHICAGO, BURLINGTON & QUINCY RAILROAD CO.,

IN THE MATTER OF Alleged Unreasonable, Unjust and Discriminatory Freight Rates Between All Stations in Montana on the Line of the Defendant, Applicable on the Ten Classes, Also Certain Commodity Rates.

HEARING, February 4, 1913.

DECIDED, March 13, 1913.

## REPORT AND ORDER OF THE COMMISSION.

### Number 58.

Hearing in this case was regularly held in the offices of the Commissioner at Helena, February 4th, 1913.

#### REPRESENTED:

Chicago, Burlington & Quincy  
Railroad Company .....By R. B. Scott, General Atty.,  
Geo. H. Crosby, Freight Traf-  
Mgr.

#### COMMISSIONERS:

Boyle,  
Hall.

This investigation was brought upon the initial motion of the Board, and alleged that the schedule of rates and the rules and regulations governing their application for the transportation of certain commodities in carload lots, also the rates on the ten classes governed by Western Classification, were unreasonable, unjust and discriminatory.

The Chicago, Burlington & Quincy Railroad Company operates in Montana from the Montana-Wyoming state line to Huntley, Mont., thence over the tracks of the Northern Pacific Ry. to Fromberg, Montana, from which latter point it owns its own line to the Montana-Wyoming boundary just north of Frannie Junction. Its maximum haul over the lines indicated within the state is 187 miles.

Investigations have been made by the Commission comparing the schedule of rates charged by the defendant, with the rates charged by other carriers in Montana for like service,

disclosing the apparent excessive and discriminatory charges complained of, and this hearing was held for the purpose of giving the defendant an opportunity to show cause why these conditions existed. Mr. George H. Crosby, Freight Traffic Manager, took the position that the country served by this company in Montana, was sparsely settled; had not in the past produced any volume of business for transportation, and felt that it was hardly fair to compare conditions on the line of the Chicago, Burlington & Quincy in Montana, with the lines of the Northern Pacific Railway and Great Northern Railway, which had been much longer established and had built up a tonnage by the development of the country and the establishment of industries and manufacturies of various kinds, whereas the C., B. & Q. for a considerable part in this state, traversed the Crow Indian Reservation which was unproductive and largely uninhabited. Some figures were offered in testimony by the defendant to show the sparsely settled condition of the country contiguous to its railroad, but these figures were not of recent compilation, and it is true that that portion of the state served by the Burlington Railroad has greatly developed, particularly within the past two years, and there is no reason to believe that it will not continue to develop in the same degree as other sections of Montana.

The arguments of the Commission in support of its allegations were submitted largely in the form of exhibits showing the rates charged by the Chicago, Burlington & Quincy Railroad, as compared with other lines of railroad in the state, upon the same classes of business, and for like distances. Defendant conceded the reasonableness of the Commission's position that the rates should be uniform with those of other carriers, and Mr. Crosby, in reply to Chairman Boyle's question as to the objections of his company to establish uniformity, stated that there would be no great objection on their part, and in a general way said that the reason why the rates of the C., B. & Q. had not been adjusted on a more equitable basis was principally for the reason that there had not been, until recently, any development, and that the business of the company had not varied materially for a number of years.

Before taking this matter up in a formal way, the Commission had, at various times, received complaints alleging as

unreasonable the rates of the Burlington Company on certain classes of freight, principally less than carload business, but it was not thought advisable to take these matters up individually, for the reason that the particular rate complained of was not more unreasonable than many other rates which had not been made the subject of attack. It was decided in November, 1912, to investigate as a whole the rate situation on that line within the state, and upon the testimony adduced at this hearing, and upon the comparisons made with the rates of other carriers, we are of the opinion that the physical and other conditions existing at this time on the C., B. & Q. R. R. are not such as would justify the difference in the rates charged for transportation as compared with other carriers for like service rendered.

**Order.**

This case being at issue upon the initial motion of the Board, and having been duly heard and submitted by the parties hereto, and a full investigation of the matters and things involved having been had, and the Commission having on the date hereof made its report containing its findings of fact and conclusions thereon, which said report is made a part hereof:

IT IS ORDERED that the Chicago, Burlington & Quincy Railroad Company shall publish, to become effective not later than twenty days from receipt of certified copy of this Report and Order, the following schedule of rates, which shall remain in effect until the further order or approval of the Commission, and the secretary is directed to serve upon the said Chicago, Burlington & Quincy Railroad Company a true and certified copy of this Report and Order:

## RAILROAD COMMISSION OF MONTANA.

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Rates on ten classes, in cents per 100 pounds, between stations on Chicago, Burlington & Quincy Railroad in the State of Montana.

Cancelling rates now provided for in Items 27500 and 27585 of C., B. & Q. G. F. O. No. 5000-B, Mont. R. C. No. 90.

Distances (Miles)	1	2	3	4	5	A	B	C	D	E
5	10	9	7	6	5	5	4	3	3	2
10	14	12	10	8	7	7	6	4	4	3
15	18	15	13	11	9	9	7	5	5	4
20	22	19	15	13	11	11	9	7	6	4
25	25	21	18	15	13	13	10	8	6	5
30	28	24	20	17	14	14	11	8	7	6
35	31	26	22	19	16	16	12	9	8	6
40	34	29	24	20	17	17	14	10	9	7
45	37	31	26	22	19	19	15	11	9	7
50	40	34	28	24	20	20	16	12	10	8
55	42	36	29	25	21	21	17	13	11	8
60	44	37	31	26	22	22	18	13	11	9
65	46	39	32	28	23	23	18	14	12	9
70	48	41	34	29	24	24	19	14	12	10
75	50	43	35	30	25	25	20	15	13	10
80	52	44	36	31	26	26	21	16	13	10
85	54	46	38	32	27	27	22	16	14	11
90	56	48	39	34	28	28	22	17	14	11
95	58	49	41	35	29	29	23	17	15	12
100	60	51	42	36	30	30	24	18	15	12
105	62	53	43	37	31	31	25	19	16	12
110	64	54	45	38	32	32	26	19	16	13
115	66	56	46	40	33	33	26	20	17	13
120	68	58	48	41	34	34	27	20	17	14
125	70	60	49	42	35	35	28	21	18	14
130	72	61	50	43	36	36	29	22	18	14
135	74	63	52	44	37	37	30	22	19	15
140	76	65	53	46	38	38	30	23	19	15
145	78	66	55	47	39	39	31	23	20	16
150	80	68	56	48	40	40	32	24	20	16
155	82	70	57	49	41	41	33	25	21	16
160	84	71	59	50	42	42	34	25	21	17
165	86	73	60	52	43	43	34	25	22	17
170	88	75	62	53	44	44	35	26	22	18
175	90	77	63	54	45	45	36	27	23	18
180	92	78	64	55	46	46	37	28	23	18
185	94	80	66	56	47	47	38	28	24	19
190	96	82	67	58	48	48	38	29	24	19

Rates on Lumber and articles taking same rates or arbitraries higher, as provided for in C., B. & Q. R. R. G. F. O. 2000-C.

Cancelling Item No. 1077 of tariff 2000-C, Mont. R. C. No. 74.

Distance (Miles)	Rates in Cents per 100 lbs.	Distance	Rates in Cents per 100 lbs.
5	2	100	12
10	3	105	12
15	4	110	13
20	4	115	13
25	5	120	14
30	6	125	14
35	6	130	14
40	7	135	15
45	7	140	15
50	8	145	16
55	8	150	16
60	9	155	16
65	9	160	17
70	10	165	17
75	10	170	18
80	10	175	18
85	11	180	18
90	11	185	19
95	12	190	19

Distance (Miles)	Rates in Cents per 100 lbs.	Distance	Rates in Cents per 100 lbs.
5	3	100	12½
10	4	105	13
15	5	110	13
20	6	115	13½
25	6	120	14
30	7	125	14
35	7½	130	14½
40	8	135	14½
45	8½	140	15
50	9	145	15
55	9½	150	15½
60	10	155	16
65	10½	160	16
70	11	165	16½
75	11	170	17
80	11½	175	17
85	12	180	17½
90	12	185	17½
95	12½	190	18

Distance (Miles)	Rates in Cents per 100 lbs.	Distance	Rates in Cents per 100 lbs.
5	3	100	12½
10	4	105	13
15	5	110	13
20	6	115	13½
25	6	120	14
30	7	125	14
35	7½	130	14½
40	8	135	14½
45	8½	140	15
50	9	145	15
55	9½	150	15½
60	10	155	16
65	10½	160	16
70	11	165	16½
75	11	170	17
80	11½	175	17
85	12	180	17½
90	12	185	17½
95	12½	190	18

	Reductions—Per Cent:									
Classes:	1	2	3	4	5	A	B	C	D	E
	16%	18%	19%	17%	18%	6%	13%	16%	6%	4%
Average reduction .....	13.3%									
Lumber .....	5 %									
Grain and grain products.....	24.1%									
Potatoes .....	24.1%									

**BEFORE THE RAILROAD COMMISSION OF MONTANA**

JOHN H. DAVIDSON,

Complainant,

vs.

NORTHERN PACIFIC RAILWAY COMPANY,  
GREAT NORTHERN RAILWAY COMPANY,

Defendants.

IN THE MATTER OF Alleged Excessive and Unreasonable  
Freight Rate on Mineral Water, Carloads, From Springdale,  
Montana, to Great Falls, Montana.

HEARING, April 18, 1913.

DECIDED, May 6, 1913.

**REPORT AND ORDER OF THE COMMISSION.****Number 61.**

Hearing was regularly held in the offices of the Commission, April 18th, 1913.

**REPRESENTED:**

Complainant .....	In Person.
Defendant, G N. Ry. Co.....	by W. L. Clift, Counsel,
	" J. T. McGaughey, A. G. F. & P. A.
Defendant, N. P. Ry. Co.....	" W. H. Merriman, D. F. & P. A.

**COMMISSIONERS:**Hall.  
Boyle,

Complainant is a lessee of Hunter's Hot Springs, a health resort located on the main line of the Northern Pacific Railway in Park County, and is also engaged in the bottling and shipping of mineral water, both carbonated and uncarbonated, to various points in Montana. Complainant has been so engaged for a little more than two years, and to meet the growing demand for the Springdale water, has extended his plant until at the present time he has a capacity of 800 cases per month.

By complaint filed February 27th, 1913, it was alleged that the present combination of local rates on mineral water, carloads, from Springdale to Great Falls via Northern Pacific and Great Northern Railway through Helena, making 55c per cwt. was unreasonable and excessive, and prayed for relief. Complainant expressed the opinion that the rate should not exceed 40c. The 55c rate is made up of a commodity rate on the Northern Pacific, Springdale to Helena, 25c; fifth class rate,



Great Northern, Helena to Great Falls, 30c. The distance from Springdale to Helena is 142 miles, and from Helena to Great Falls 99 miles, and while the complainant's interest was in a through rate on which he could ship to Great Falls, he particularly objected to the Great Northern local rate of 30c per cwt.

The record shows that carbonated mineral water is put up in quart bottles packed in cases, each case containing 50 quarts and weighing 180 pounds. The uncarbonated water is put up in half-gallon bottles, packed in cases containing 24 bottles, each case weighing 90 pounds. The commodity requires refrigerator car service during cold weather to prevent freezing, but can be shipped in any kind of car at other seasons of the year. It is not affected by ordinary weather conditions. The record also shows that the uncarbonated water comes in competition with the product of the Alhambra Springs, a local point on the Great Northern Railway, 115.9 miles distant from Great Falls, which enjoys a carload rate of 16c per cwt. It is not bottled, however, but is shipped in iron tank cars taking a minimum of the gallonage capacity of the tank. Alhambra does not ship carbonated water.

In its answer to the complaint, the defendant, Northern Pacific Railway Company, avers that the commodity rate of 25c per cwt., Springdale to Helena, is not an unreasonable charge for the service performed on its line. Defendant, Great Northern Railway Company, likewise takes the position that the rate of 30c per cwt. from Helena to Great Falls is just and reasonable.

Western Classification provides 5th class rating on mineral water, which from Springdale to Helena, the distance being 142 miles under the Montana general distance tariff, would be 39c per cwt., but on this commodity, the Northern Pacific Railway Company applies the distributing rate from Springdale, which, for 142 miles, makes 38c per cwt. The rate of 30c via the Great Northern Railway, Helena to Great Falls, is the 5th class rate under the general distance tariff. As stated herein, the Northern Pacific Railway Company has established a commodity rate to Helena of 25c. This, as will be noted, figures 66% of the 38c distributing rate, and the Northern Pacific Company holds that this is not an unreasonable charge for the service rendered. The Commission has always taken the view that a rate established by a carrier of its own volition, may justly be con-

sidered as a remunerative rate, and upon this basis, we see no reason why the Great Northern Railway Company should not be willing to accept the same percentage of the 5th class general distance rate of 30c, or 20c per cwt. for its proportion of the haul. We are of the opinion, and have heretofore held, that a local industry is entitled to protection in so far as its territory might be invaded by a foreign industry, but not to the exclusion of legitimate competition, and in this instance, it is not apparent wherein the Alhambra Springs would in any manner be discriminated against with its 16c rate to Great Falls, by the promulgation of a 45c rate on the same commodity from a Northern Pacific producing point.

In the state of North Dakota, governed by Western Classification also, the 5th class general distance tariff rates would be for 142 miles, 21c; 99 miles, 17c, making a total of 38c per cwt. There may be some reason why the general distance tariff rates in Montana should exceed those of North Dakota. The Commission, however, is not prepared to pass upon this question now, and will not ask the carriers to make a rate of 38c, Springdale to Great Falls, on mineral water, but on basis of 66% of the Montana general distance tariff rates, we are of the opinion that the rate should not exceed 45c per cwt.

#### Order.

This case being at issue upon complaint and answer filed, and having been duly heard and submitted by the parties hereto, and a full investigation of the matters and things involved having been had, and the Commission having on the date hereof, made its report containing its findings of fact and conclusions thereon, which said report is made a part hereof:

IT IS ORDERED that the Northern Pacific Railway Company and the Great Northern Railway Company shall establish and put in force and effect for the future, from Springdale, Montana, to Great Falls, Montana, a rate of 45c per cwt., carloads, on mineral water, minimum weight 35,000 pounds, which rate shall become effective not later than twenty days from receipt of a certified copy of this Report and Order. The Secretary is directed to serve upon the carriers defendants hereto, a true and certified copy of this Report and Order, and the

same shall remain in effect until the further order or approval of the Commission.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Dated at Helena, Montana, May 7th, 1913.

## BEFORE THE RAILROAD COMMISSION OF MONTANA

Docket No. 390.

LEON SHAW, et al.,

Complainants,

vs.

NORTHERN PACIFIC RAILWAY COMPANY,

Defendant.

IN THE MATTER OF Alleged Excessive and Unreasonable  
Freight Rates on Hogs, carloads.

HEARING, July 21st, 1913.

DECIDED, August 13th, 1913.

## REPORT AND ORDER OF THE COMMISSION.

## Number 70.

Hearing was regularly held at Big Timber, July 21st, 1913.

## REPRESENTED:

Complainants ..... By Leon Shaw.

Defendant ..... " W. H. Merriman, D. F. &amp; P. A.

## COMMISSIONERS:

Boyle,  
Morley,  
Hall.

By petition, filed February 25th, 1913, it was alleged "That on account of the restriction placed upon shipments of hogs by Rule 5 (A) Tariff 630-A, it is not permissible to load hogs in upper decks, and consequently the rates charged per car are much higher in proportion to the net weight than on sheep loaded in double deck cars or cars loaded with cattle." For relief complainants prayed that "The carload rate on hogs be reduced to equal the rate on cattle and sheep based on net weight." In its answer defendant denied the reasonableness of the complaint, and prayed that same be dismissed.

Rule 5 Tariff 630-A, referred to above, provides as follows:

(A) "Horses, mules, cattle, calves, goats, sheep or hogs will be accepted in mixed carloads, in single, double, or partially double deck cars, provided sheep or goats only are loaded in the upper deck."

(B) "Hogs, straight carloads, will be accepted in single deck cars only."

Same tariff names rates in "Dollars per car" applying alike to cattle, hogs, sheep or goats, fat, ready for market, while Northern Pacific Tariff 2153 A names rates on **stock cattle and stock sheep** lower than the rates on the finished product, for example:

Distance	Rate in Dollars For Market.	per Car. Feeders.
50 miles .....	\$26.40	\$24.00
80 miles .....	33.60	28.00
100 miles .....	38.40	30.00
150 miles .....	44.40	35.00
200 miles .....	50.40	40.00
250 miles .....	56.40	45.00
300 miles .....	62.40	50.00

It will be noted that the rates named in Tariff 2153 A do not apply on hogs when shipped to feed at some point intermediate to final destination; in other words, defendant does not name rates on hogs except for market, and restricts the loading to single deck cars, as above.

Complainants in this case are engaged in farming and hog-raising in the vicinity of Big Timber, Montana, and by their testimony it is shown that the hog-raising industry in that section, which was commenced less than two years ago, is developing very fast, and there appears to be no reason to doubt that in a few years it will be on quite an extensive scale. The record shows that up to this time the hogs shipped have not been "finished," but for the greater part have been fed and fattened at some other point before slaughter. Then again it would seem that in the near future these complainants would be in a position to "finish" the animals at home and ship direct to market. It would therefore appear that there is no great necessity at this time for a special rate on feeders, and the question to determine is, are the rates, rules and regulations as at present, reasonable? Defendant has stated that it is not in a position to furnish double deck cars suitable for loading with hogs; that its cars of that type are not constructed in such a manner as to carry the excess weight, and therefore the shipper must load hogs the same as he would fat cattle (single deck) and pay the same charges per car.

Carriers naming rates on cattle, sheep, hogs, etc., in cents per hundred pounds, have, generally speaking, adopted 24,000 pounds minimum on cattle and 17,000 pounds on hogs in single deck cars; that is to say, the net weight of the latter is about 71% of the former, and if the position were taken that the charges per car should be based upon the relative net weight,

it would mean that the present carload rates on hogs should be reduced 29%. This, however, would have the effect of lowering the revenue per car per mile beyond what the Commission believes the carrier should receive, but we are of the opinion that the rates on hogs in single deck cars, owing to the shippers' inability to load the tonnage and the carrier's inability to furnish double decks, should not exceed the rates on stock cattle and stock sheep.

### Order.

This case being at issue upon complaint and answer filed, and having been duly heard and submitted by the parties hereto, and a full investigation of the matters and things involved having been had, and the Commission having on the date hereof made its report containing its findings of fact and conclusions thereon, which said report is made a part hereof:

IT IS ORDERED that the Northern Pacific Railway Company shall publish and put in force and effect for the future the following schedule of rates applying on hogs in single deck cars between all points on its line within the state:

Distances.				Rates in dollars per car of 36 ft., 6 in., in length.	Distances.				Rates in dollars per car of 36 ft., 6 in., in length.
10	miles	or	under.....	\$ 10.00	400	miles	or	under.....	\$ 60.00
15	"	"	" .....	12.00	410	"	"	" .....	61.00
20	"	"	" .....	14.00	420	"	"	" .....	62.00
25	"	"	" .....	16.00	430	"	"	" .....	63.00
30	"	"	" .....	18.00	440	"	"	" .....	64.00
35	"	"	" .....	20.00	450	"	"	" .....	65.00
40	"	"	" .....	22.00	460	"	"	" .....	66.00
50	"	"	" .....	24.00	470	"	"	" .....	67.00
60	"	"	" .....	26.00	480	"	"	" .....	68.00
70	"	"	" .....	27.00	490	"	"	" .....	69.00
80	"	"	" .....	28.00	500	"	"	" .....	70.00
90	"	"	" .....	29.00	510	"	"	" .....	71.00
100	"	"	" .....	30.00	520	"	"	" .....	72.00
110	"	"	" .....	31.00	530	"	"	" .....	73.00
120	"	"	" .....	32.00	540	"	"	" .....	74.00
130	"	"	" .....	33.00	550	"	"	" .....	75.00
140	"	"	" .....	34.00	560	"	"	" .....	76.00
150	"	"	" .....	35.00	570	"	"	" .....	77.00
160	"	"	" .....	36.00	580	"	"	" .....	78.00
170	"	"	" .....	37.00	590	"	"	" .....	79.00
180	"	"	" .....	38.00	600	"	"	" .....	80.00
190	"	"	" .....	39.00	610	"	"	" .....	81.00
200	"	"	" .....	40.00	620	"	"	" .....	82.00
210	"	"	" .....	41.00	630	"	"	" .....	83.00
220	"	"	" .....	42.00	640	"	"	" .....	84.00
230	"	"	" .....	43.00	650	"	"	" .....	85.00
240	"	"	" .....	44.00	660	"	"	" .....	86.00
250	"	"	" .....	45.00	670	"	"	" .....	87.00
260	"	"	" .....	46.00	680	"	"	" .....	88.00
270	"	"	" .....	47.00	690	"	"	" .....	89.00
280	"	"	" .....	48.00	700	"	"	" .....	90.00
290	"	"	" .....	49.00	710	"	"	" .....	91.00
300	"	"	" .....	50.00	720	"	"	" .....	92.00
310	"	"	" .....	51.00	730	"	"	" .....	93.00
320	"	"	" .....	52.00	740	"	"	" .....	94.00
330	"	"	" .....	53.00	750	"	"	" .....	95.00
340	"	"	" .....	54.00	760	"	"	" .....	96.00
350	"	"	" .....	55.00	770	"	"	" .....	97.00
360	"	"	" .....	56.00	780	"	"	" .....	98.00
370	"	"	" .....	57.00	790	"	"	" .....	99.00
380	"	"	" .....	58.00	800	"	"	" .....	100.00
390	"	"	" .....	59.00					

### RULES AND CONDITIONS.

The rates named herein will apply on hogs in single deck cars not exceeding 36 feet 6 inches in length, inside measurement.

Shipments in cars over 36 feet 6 inches in length, add to the rates named herein 3 per cent for each additional foot or fraction thereof.

The available stock car equipment of this company is that listed in the official Railway Equipment Register, G. P. Conard, Agent, I. C. C. R. E. R. No. 7, Nor Pac. Ry. No. 2060 G, or subsequent issues, and such listed equipment will be furnished when ordered, or when cars of other companies are received under load or when available for loading, the percentages shown below will apply:

In cars	30 feet and under in length.....	83% of the rates named herein.
" "	over 30 feet to and including 31 feet in length.....	86% of the rates named herein.
" "	over 31 feet to and including 32 feet in length.....	89% of the rates named herein.
" "	over 32 feet to and including 33 feet in length.....	92% of the rates named herein.
" "	over 33 feet to and including 34 feet in length.....	95% of the rates named herein.
" "	over 34 feet to and including 36 feet 6 inches in length .....	100% of the rates named herein.

The secretary is directed to serve upon the Northern Pacific Railway Company a true and certified copy of this Report and Order, which shall become effective twenty days after receipt thereof, and shall so remain in effect until the further order or approval of the Commission.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Helena, Montana, August 18th, 1913.

UPON THE INITIAL MOTION OF THE RAILROAD  
COMMISSION OF MONTANA.

Docket No. 380.

GREAT NORTHERN RAILWAY COMPANY,  
NORTHERN PACIFIC RAILWAY COMPANY,  
CHICAGO, MILWAUKEE & ST. PAUL RAILWAY COM-  
PANY,

OREGON SHORT LINE RAILROAD COMPANY,  
BUTTE, ANACONDA & PACIFIC RAILWAY COMPANY,

Defendants.

IN THE MATTER OF Alleged Unreasonable and Excessive  
Freight Rates on Fruit and Vegetables.

HEARING, June 10th, 1913.

DECIDED, August 16th, 1913.

REPORT AND ORDER OF THE COMMISSION.

Number 71.

Hearing was regularly held at Helena, June 10th, 1913.

Represented:

Great Northern Ry. Co. ....	By H. A. Jackson, A. T. M.,
	I. Parker Veazey, Counsel.
Northern Pacific Ry. Co. ....	By J. M. Hannaford, 2d V. P.,
	J. B. Baird, G. F. A.
Chicago, Mil. & St. P. Ry. Co. ....	By R. M. Calkins, T. M.
Oregon Short Line R. R. Co. ....	By E. A. Shewe, G. A.
Butte, Anaconda & Pacific Ry. Co. ....	By J. C. Naring, G. F. A.

COMMISSIONERS:

Boyle,  
Morley,  
Hall.

The question of freight rates on fruit and vegetables is one that affects practically the entire state. Montana is fast becoming a producer of these commodities, and the great influx of people during the past two or three years has provided to a considerable extent a home market. As a consequence much of the product which has heretofore been shipped to outside points is now being consumed in Montana. The Commission has given the matter much consideration with a view to establishing a more uniform basis of rates than that now in effect on the various lines of railroad.

This investigation developed the fact that while some commodity rates were named to the points of large consumption the smaller markets were paying the class rates. Last season great quantities of fruit and vegetables were produced, particularly in the western part of the state, much of which did not find a market, and this condition prompted the Commission to take the matter up on its initial motion.



We will not attempt in this report to cite the many inequalities in rates as between localities and also as between the carriers for similar service rendered. For example, from Libby, Troy, Gateway, Warland and Eureka, no commodity rates were in effect, except insofar as the Spokane rate might apply as a maximum. The Kalispell and Somers rate of 65c per cwt. on apples to North Dakota points applies from Libby, Eureka, etc., and is reflected back as far as Hinsdale, Montana. Rate of 90c cwt. on green fruit Spokane to Harlem would apply from intermediate stations in Montana, account being lower than the local class rates. From Libby to Great Falls the rate on green fruit is 83½c cwt., being the Spokane rate. The only commodity rates published by the Great Northern Ry. on vegetables were from Kalispell and Somers to Great Falls, Helena, Butte and Anaconda. Tariffs of the Northern Pacific provide some commodity rates on fruits and vegetables, in either straight or mixed carloads, while the Great Northern commodity rates apply on apples, straight carloads, prohibiting the mixing with vegetables at the apple rates. Another feature of importance is the privilege of stopping a car in transit to finish loading. There is but one such concession in the state, that permitting a car to partly load at Somers and complete at Kalispell, with an additional charge of \$5.00. We find many places where it is not possible to load a full car with either fruit or vegetables, and to extend this same privilege to all stations will enable the shippers to get the benefit of carload rates and furnish the carriers with considerable tonnage that heretofore has not moved, and otherwise cannot move, under the less than carload rates. We find also that less than carload shipments are retarded on the line of the Great Northern Ry. for the reason that the distributing rates do not apply **between** all stations, as on the Northern Pacific and the C. M. & St. Paul Rys. On the Oregon Short Line no commodity rates on fruit or vegetables are now in effect, save that of 17c per cwt. on potatoes from Lima to Butte; on all other movements Class C rates apply to potatoes, which are considerably higher than the mileage distance tariffs of other lines in the state.

Upon the record of this investigation we are of the opinion that the following schedules are fair and reasonable to the

shippers and carriers alike and that the movement of fruit and vegetables in straight or mixed carloads will be thereby stimulated:

**ORDER.**

This case being at issue upon the initial motion of the Board, and having been duly heard and submitted by the parties hereto, and a full investigation of the matters and things involved having been had, and the Commission having on the date hereof made its report containing its findings of fact and conclusions thereon, which said report is made a part hereof,

**It Is Ordered,** That the Great Northern Ry. Co., the Northern Pacific Ry. Co., the Chicago, Milwaukee & St. Paul Ry. Co., the Oregon Short Line R. R. Co., the Butte, Anaconda & Pacific Ry. Co. shall publish and put in force and effect for the future the Rates, Rules and Regulations as contained in the schedules attached hereto and which are made a part of this order; the same to become effective not later than twenty days after receipt of certified copy thereof, and said Rates, Rules and Regulations shall so remain in effect until the further order or approval of this Commission.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Helena, Montana, August 19th, 1913.

## SIXTH ANNUAL REPORT

**RATES VIA GREAT NORTHERN RAILWAY AND B. A. & P. RY.**  
**On Apples, Green Fruit and Vegetables, Carloads.**

	From Kalispell, Mont.			From Somers, Mont.			From Libby and Troy, Mont.			From Eureka, Gateway and Warland, Mont.		
	Rates	In	Cents	Per	100	Pounds:						
	Apples.	Green Fruit..	Vege- tables..	Apples.	Green Fruit..	Vege- tables..	Apples.	Green Fruit..	Vege- tables..	Apples.	Green Fruit..	Vege- tables..
*Whitefish .....	10	13	7	12	15	9						
*Eureka .....	20	26	13	22	28	15						
*Gateway .....	20	26	16	22	28	16						
*Libby .....	24	31	18	24	31	18						
*Troy .....	26	34	20	26	34	20						
Belton .....	11	14	8	13	16	8	21	29	13	16	21½	11
Cut Bank .....	24	31	18	24	31	18	34	46	23	29	38½	21
Shelby .....	26	34	20	26	34	20	36	49	25	31	41½	23
Conrad .....	29	38	22	29	38	22	39	53	27	34	45½	25
Collins .....	31	40	24	31	40	24	41	55	29	36	47½	27
Gilman .....	40	52	30	40	52	30	50	67	35	45	59½	33
Great Falls .....	36	47	28	36	47	28	46	62	33	41	54½	31
Benton .....	40	52	30	40	52	30	50	67	35	45	59½	33
Cascade .....	38	49	30	38	49	30	48	64	35	43	56½	33
Wolf Creek .....	42	55	32	42	55	32	52	70	37	47	62½	35
Helena .....	45	59	35	45	59	35	55	74	40	50	66½	38
Boulder .....	50	65	39	50	65	39	60	80	44	55	72½	42
Butte .....	50	65	40	50	65	40	60	80	45	55	72½	43
Anaconda .....	50	65	40	50	65	40	60	80	45	55	72½	43
Havre .....	35	46	28	35	46	28	45	61	33	40	53½	31
Chinook .....	38	49	29	38	49	29	48	64	34	43	56½	32
Harlem .....	41	53	31	41	53	31	51	68	36	46	60½	34
Dodson .....	43	56	32	43	56	32	53	71	37	48	63½	35
Malta .....	46	60	34	46	60	34	56	75	39	51	67½	47
Hinsdale .....	50	65	37	50	65	37	60	80	42	55	72½	40
Glasgow .....	50	65	40	50	65	40	60	80	45	55	72½	43
Wolf Point .....	52	68	40	52	68	40	62	83	45	57	75½	43
Culbertson .....	55	72	45	55	72	45	65	87	50	60	79½	48
Bainville .....	55	72	45	55	72	45	65	87	50	60	79½	48
Plentywood .....	60	78	50	60	78	50	70	93	55	65	85½	53
Mondak .....	55	72	47	55	72	47	65	87	52	60	79½	50
Sand Coulee .....	40	52	28	40	52	28	50	67	33	45	59½	31
Stockett .....	40	52	28	40	52	28	50	67	33	45	59½	31
Neihart .....	45	59	35	45	59	35	55	74	40	50	66½	38
Stanford .....	42	55	32	42	55	32	52	70	37	47	62½	35
Hobson .....	45	59	34	45	59	34	55	74	39	50	66½	37
Judith Gap .....	48	62	36	48	62	36	58	77	41	53	69½	39
Broadview .....	50	65	40	50	65	40	60	80	45	55	72½	43
Billings .....	50	65	40	50	65	40	60	80	45	55	72½	43
Lewistown .....	50	65	40	50	65	40	60	80	45	55	72½	43

\*Rates apply between.

**Application of Distributing Rates on Fruit and Vegetables:**  
Between all stations in Montana on the Great Northern Ry., the maximum rates on fruits and vegetables, when classified 1st, 2d, 3d or 4th class under the current Western Classification, in carload or less than carloads, will be the distributing rates as provided for on pages 35, 36 and 37, Great Northern Tariff G. F. O. 21,486, or as it may be supplemented or re-issued.

Rates via Northern Pacific Ry. and B. A. & P. Ry. on Apples,  
Green Fruit and Vegetables—Carloads.

TO.	From Missoula, Montana.			From Hamilton and Ravalli, Mont.		
	Rates in Cents per 100 Pounds.					
	Apples.....	Green Fruit.	Vegetables..	Apples.....	Green Fruit.	Vegetables..
Phillipsburg .....	18	22	13	20	25	15
Helena .....	23	25	17	25	25	19
Butte .....	23	25	17	25	25	19
Anaconda .....	23	25	17	25	25	19
Whitehall .....	26	30	19	28	30	21
Alder .....	30	35	23	32	35	25
Townsend .....	26	30	19	28	30	21
Anceny .....	31	35	24	33	35	26
Bozeman .....	32	35	24	34	35	26
Livingston .....	35	40	26	37	40	28
Gardiner .....	40	45	30	42	45	32
Billings .....	46	50	35	48	50	37
Red Lodge .....	48	55	36	50	55	38
Bridger .....	48	55	35	50	55	38
Miles City .....	52	55	40	55	55	42
Glendive .....	55	55	42	55	55	44
Marysville .....	25	30	17	27	32	19
Rimini .....	25	30	18	27	32	20
Norris .....	30	36	23	32	38	25
Pony .....	30	36	23	32	38	25
Wilsall .....	37	44	28	39	47	30
Sidney .....	58	70	45	60	72	47

Rates From Plains, Thomspson Falls and Darby, Mont.

Rates from Plains, Thompson Falls and Darby, Montana, to points shown above will be made by adding the following arbitraries to the rates shown above from Hamilton and Ravalli, Montana:

	From Plains.	From Thompson Falls.	From Darby.
Apples, carloads .....	2c cwt.	5c cwt.	1c cwt.
Green Fruit, carloads .....	2c cwt.	5c cwt.	1c cwt.
Vegetables, carloads .....	1c cwt.	3c cwt.	1c cwt.

**Rates via Northern Pacific Ry. and B. A. & P. Ry on Apples,  
Green Fruit and Vegetables—Carloads.**

TO—	From Red Lodge, Bridger and Fromberg, Mont.			From Columbus and Park City, Mont.			From Miles City, Mont.	From Forsyth, Mont.
	Rates in Cents per 100 Pounds.							
	Apples.....	Green Fruit....	Vegetables.....	Apples.....	Green Fruit....	Vegetables.....	Vegetables.....	Vegetables.....
Glendive ....	38	46	29	36	44	27	14	17
Miles City ..	31	37	*24	29	35	20	..	..
Forsyth ....	26	31	*20	24	29	17	..	..
Billings .....	15	18	* 9	13	15	8	19	16
Park City ...	*13	18	* 8	..	..	..	20	17
Columbus ...	17	20	*10	..	..	..	20	17
Big Timber..	22	26	17	13	16	9	25	22
Livingston ..	25	30	19	18	22	13	28	25
Gardiner ....	30	36	23	24	29	18	31	28
Bozeman ....	28	34	20	20	24	16	29	26
Belgrade ....	29	35	20	22	26	17	30	27
Manhattan ..	29	35	20	23	28	17	31	28
Trident .....	30	36	22	24	29	18	31	28
Toston .....	32	38	24	26	31	19	34	31
Townsend ...	34	41	25	26	31	20	34	31
Helena .....	36	43	28	30	36	23	36	33
Butte .....	36	43	28	30	36	23	36	33
Anaconda ...	36	43	28	30	36	23	38	35
Wilsall .....	26	31	20	20	24	16	29	26
Sidney .....	40	48	30	38	46	28	17	20

\*Rates apply between.

**Application of Distributing Rates on Fruit and Vegetables:**  
Between all stations in Montana on the Northern Pacific Railway, the maximum rates on fruits and vegetables, when classified 1st, 2d, 3d or 4th class under the current Western Classification, in carloads or less than carloads, will be the distributing rates provided on page 27 of Northern Pacific Tariff No. 717-C, under heading "Distance Rates," or as it may be supplemented or re-issued.

Rates via Chicago, Milwaukee, & St. Paul Ry and B. A. & P Ry. on Apples, Green Fruit and Vegetables—Carloads.

TO.	From Missoula, Mont.			From Miles City, Mont.	From Forsyth, Mont.
	Rates in Cents per 100 Pounds.				
	Apples.....	Green Fruit....	Vegetables.....	Vegetables.....	Vegetables.....
Butte .....	23	25	17	36	33
Anaconda .....	23	25	17	36	33
Piedmont .....	26	30	19	36	33
Belgrade .....	32	35	24	30	27
Bozeman .....	32	35	24	29	26
Lombard .....	32	35	24	34	31
Ringling .....	35	40	26	28	25
Harlowton .....	40	45	30	24	21
Lewistown .....	48	50	36	29	26
Roundup .....	48	50	36	19	16
Forsyth .....	52	55	40	..	..
Miles City .....	52	55	40	..	..
Terry .....	55	55	42	..	..
Ismay .....	55	55	42	14	17

Application of Distributing Rates on Fruit and Vegetables: Between all stations in Montana on the Chicago, Milwaukee & St. Paul Railway, the maximum rates on fruits and vegetables, when classified 1st, 2d, 3d or 4th class under the current Western Classification, in carloads or less than carloads, will be the distributing rates provided on page 13 of Chicago, Milwaukee & St. Paul Tariff, P. C. L No. 1-D, or as it may be supplemented or re-issued.

Rates via Oregon Short-Line Railroad on Apples, Green Fruits and Vegetables.

Between Butte, Mont., and Stations Named.

TO—	Rates in Cents per 100 Pounds.			
	Apples.....	Green Fruit.	Vegetables..	Potatoes....
Monida .....	24	29	18	14½
Lima .....	23	28	17	14
Dell .....	22	26	17	13
Red Rock .....	20	24	16	12½
Armstead .....	19	23	14	12
Dillon .....	18	22	13	11
Bond .....	17	20	13	10½
Apex .....	17	20	13	10
Melrose .....	13	16	10	8
Divide .....	11	13	8	7

## **RULES AND REGULATIONS**

**Applicable in Connection with Rates Named Herein via All Defendants.**

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### **Minimum Weights.**

The minimum weight on carload shipments will be provided in current Western Classification. On mixed cars the minimum weight will be that applicable on articles loaded in car taking the highest minimum weight in current Western Classification.

### **Stopping in Transit to Finish Loading.**

Shipments of apples, green fruit or vegetables, carloads, will be permitted to stop once in transit to finish loading at any point directly intermediate between the point of origin and final destination of car at an additional charge of \$5.00.

### **Vegetables.**

The rates named herein on vegetables, carloads, will apply on vegetables taking class "C" rating in current Western Classification. The rates will also apply on tomatoes, straight carloads, or when mixed with other vegetables.

### **Potatoes.**

The rates named herein on vegetables, carloads, will also apply on potatoes, straight carloads, when lower than rates otherwise provided.

### **Mixed Fruit and Vegetables.**

The rates named herein on green fruit, carloads, will apply on green fruit, straight carloads, or when mixed with apples or vegetables.

### **Apples and Vegetables.**

The rates named herein on apples, carloads, will also apply on mixed cars of apples and vegetables, including tomatoes.

BEFORE THE RAILROAD COMMISSION OF MONTANA.  
MONTANA.

Docket No. 394.

UPON THE INITIAL MOTION OF THE COMMISSION  
Intervenors:

Kalispell Lumber Company,  
State Lumber Company,  
Enterprise Lumber Company.  
A. L. Jordan Lumber Company,  
Columbia Lumber Company,  
Hutchinson Lumber Company,  
Eureka Lumber Company,  
Boorman Lumber Company,

against

GREAT NORTHERN RAILWAY COMPANY,

Defendant.

IN THE MATTER OF Alleged Unreasonable Rates on Lum-  
ber from Producing Stations to all Points on Defendant's  
Line Within the State.

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HEARING, Sept. 25th and 26th, 1913.

DECIDED, November 17th, 1913.

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REPORT AND ORDER OF THE COMMISSION.

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Number 76.

Hearing was regularly held at Helena, Sept. 25th and 26th, 1913.

REPRESENTED:

Kalispell Lumber Co.,	
State Lumber Co.,	
Enterprise Lumber Co.,	
A. L. Jordan Lumber Co.,	
Columbia Lumber Co.,	
Eureka Lumber Co.,	
Hutchinson Lumber Co. ....	By W. B. Rhoades, Counsel.
Boorman Lumber Co. ....	By Norris & Hurd, Counsel.
Great Northern Ry. Co. ....	By I. Parker Veazey, Counsel,
	" J. T. McGaughey, A. G. F. & P. A.
	" H. H. Brown, A. G. F. A.

COMMISSIONERS:

Boyle,  
Morley,  
Hall.

This investigation was brought upon the initial motion of the Commission to determine the reasonableness or unreasonableness of the present rates on lumber from western Montana (hereinafter called the Columbia Falls District), to points



within the state on the line of the Great Northern Railway, in view of the rates in effect from Idaho and Washington mills to same points of destination. Intervention on the part of the above named lumber companies was principally for the purpose of informing the Commission of the physical conditions existing in the territory involved, and the disadvantages with which the Montana lumberman was obliged to cope, as compared with other sections of the west.

It appears from the testimony that of the total standing timber in the Columbia Falls District, larch and fir comprise about eighty per cent, the former predominating: while the balance (twenty per cent), consists of two varieties of pine, spruce and cottonwood, all of which, on account of the altitude, are small trees as compared with sections of lower elevation, and consequently yielding a lesser per cent of high grade lumber, while at the same time the cost of manufacturing is greater than if large timber were available. West of Columbia Falls the percentage of larch decreases, fir remains about the same and pine rapidly increases, until it predominates in the western forests. Larch as it grows in the Columbia Falls District, ranges in height from 80 to 100 feet, and in diameter from 12 to 24 inches. The wood is rather brittle, hard on tools, somewhat difficult in working and the bulk of the lumber is what the trade terms "common"; a low grade tree and a low grade product, that cannot be marketed in competition with Idaho and Washington at the same price; it must be sold for less. Larch timber produces from eight to twelve per cent "clear." It cannot be quarter-sawed on account of the diminutive size of the logs and for the further reason that the vertical grain does not carry throughout the entire length. No "clear stuff" is cut from Montana fir. As to Montana pine, on account of the knot defects and heavy sap that it carries, the percentage of clear lumber runs very low; probably seven or eight per cent. The different varieties of common lumber are not kept separated; they are piled together at the mills and sold just as it comes from the forest—mixed. In other words, the fir, larch, pine, etc., are all classified alike.

Then again, it would seem that the product of the Columbia Falls District is from fifteen to twenty per cent heavier than that grown in the territory further west, providing, of course,

that both are equally dry. Not because Montana larch or fir is heavier than Idaho and Washington, but for the reason that, as already explained, pine (lighter weight) is more in evidence in these other western states. To make this point perfectly clear, let us assume that 1,000 feet of lumber is being shipped from Bonner's Ferry, Idaho, to Great Falls, Montana, at the carload rate. The freight rate is 19 cents per cwt. Then if it weighs 2,000 pounds, the freight charges would be \$3.80. The same quantity lumber (feet) shipped from Columbia Falls District to same destination, weighing 20 per cent more, or 2400 pounds, at the rate of 15 cents per cwt., would be charged \$3.60, although Bonner's Ferry is 174 miles the longer haul. Looking at this illustration from a board measure standpoint:

From.	To.	Miles.	Freight Charges.	Frt. Charges per 1000 Ft. per Mile.
Bonner's Ferry	....Great Falls.....	419	\$3.80	9.07 mills
Columbia Falls	....Great Falls.....	245	3.60	14.70 mills

From this it will be noted that the transportation cost per 1,000 F. B. M. is 63 per cent greater per mile from Columbia Falls than from Bonner's Ferry, Idaho.

Considerable testimony was given to show that the Idaho and Washington mills had a decided advantage over Montana by reason of the higher quality of timber from which choice factory lumber was cut for the manufacturing of doors, frames, sash and interior finishing material, selling for high prices, and consequently the remainder, or "common" lumber could be sold for the cost of production, or even less, and it is with this "common" grade that the Montana lumberman must compete. In other words, what is a by-product of the western mills is Montana's staple article.

Prior to September 1st, 1913, the Columbia Falls District enjoyed a differential under Bonner's Ferry as shown in the following table. Effective that date, the Great Northern Railway Company established a new schedule of rates from Bonner's Ferry to Montana points, also shown below, reducing the differential, and to a point where the Montana lumber manufacturers aver it is impossible for them to compete.

## SIXTH ANNUAL REPORT

COMPARISONS.				
TO.	Present	Old Rates	New Rates	
	Rates From	From	From	
	Columbia	Bonner's	Bonner's	
	Falls Dist.	Ferry	Ferry.	
Rates Are Named in Cents per 100 Lbs.				
Yakt, Mont. ....	13	6	6	
Troy .....	13	6	6	
Libby .....	12	8	8	
Jennings .....	11	9	9	
Warland .....	11	10	10	
Rexford .....	11	14	14	
Gateway .....	12	14	14	
Eureka .....	11	14	14	
Fortine .....	9	14	14	
Whitefish .....	3	15	15	
Belton .....	4	19	19	
Essex .....	9	21	19	
Fielding .....	10	21	19	
Browning .....	10	22	19	
Cut Bank .....	10	22	19	
Virden .....	10	22	19	
Sweet Grass .....	15	22	19	
Shelby .....	10	22	19	
Conrad .....	13	22	19	
Collins .....	14	22	19	
Vaughn .....	15	22	19	
Great Falls .....	15	22	19	
Black Eagle .....	15	22	19	
Sand Coulee .....	17	26	21	
Stockett .....	17	26	21	
Belt .....	17	27	21	
Armington .....	17	27	21	
Monarch .....	19	30	23	
Neihart .....	20	30	24	
Rainsford .....	17½	28	21½	
Spion Kop .....	18	28	22	
Geyser .....	18	28	22	
Stanford .....	18	29	22	
Windham .....	18	30	22	
Hobson .....	18	30	22	
Buffalo .....	18	30	22	
Judith Gap .....	18	30	22	
Hedges .....	19½	31	23½	
Cushman .....	19½	31	23½	
Broadview .....	22	31	26	
Rimrock .....	23½	31	27½	
Billings .....	25	32	29	
Cascade .....	15	22	19	
Craig .....	15	22	19	
Wolf Creek .....	15	22	19	
Silver .....	15	22	19	
Helena .....	15	21	19	
Clancy .....	15	22	19	
Corbin .....	15	22	19	
Boulder .....	15	22	19	
Basin .....	15	22	19	
Woodville .....	15	22	19	
Butte .....	15	21	19	
Dunkirk .....	11	22	19	
Concord .....	12	22	19	
Galata .....	12	22	19	
Chester .....	13	22	19	
Joplin .....	14	22	19	
Inverness .....	14	22	19	
Hingham .....	15	22	19	
Gildford .....	15	22	19	
Havre .....	15	22	19	
Assinniboine .....	15	22	19	
Big Sandy .....	15	22	19	
Benton .....	15	22	19	
Chinook .....	16	26	20	
Harlem .....	17	27	22	
Coburg .....	19	29	23	
Dodson .....	19	29	23	
Wagner .....	19	29	24	
Malta .....	20	30	24	
Ashfield .....	21	31	25	
Culbertson .....	26	33	30	
Bainville .....	26	33	32	
Plentywood .....	26	33	36	
Mondak .....	26	33	33	
Lewistown .....	20	30	22	
Gilman .....	20	29	26	

To illustrate that the Montana mills must seek a market for their product within the state, interveners introduced the following statement to show that by reason of more favorable interstate rates, and also on account of manufacturing conditions already referred to in this report, they are unable to ship to interstate points, consequently must look to the home consumption, in which market they feel they are entitled to protection.

**FROM COLUMBIA FALLS DISTRICT.**

Year.	Total Shipped.	Shipped to Montana Points.	Per Cent to Montana.
1896 .....	8,000,000	8,000,000	100.00
1905 .....	101,189,825	20,984,071	27.48
1906 .....	89,494,525	19,407,187	21.68
1907 .....	85,454,584	35,084,426	41.04
1908 .....	83,299,396	46,338,183	55.63
1909 .....	119,454,093	70,049,740	58.64
1910 .....	118,018,769	91,709,743	77.71
1911 .....	76,357,358	55,554,630	72.74
1912 .....	123,460,716	83,717,640	67.81
1913 .....	79,824,173	64,201,125	80.50

\*(To August 1st).

The contention of these interveners is particularly against the alleged preferential rates from Bonner's Ferry into Montana territory, and for example they cite the reductions made at Great Falls since April, 1907:

From.	April 1907.	August 1912.	Sept. 1913.	Decrease.
Bonner's Ferry .....	25	22	19	24%
Columbia Falls .....	15	15	15	None

In this connection it may be explained that at the time the present rates were established from Columbia Falls, the distance thence to Great Falls was 372.4 miles. Since then what is known as the "Shelby Cut-off" has been built, reducing the distance to 245 miles. This applies also to all stations from Great Falls to Butte. The freight rates, however, have remained the same, consequently the freight rates per ton per mile are considerably higher now than they were when first made.

The testimony of the lumber interests in western Montana is to the effect that for reasons cited in this report, they are no longer able to operate in competition with the lumbering sections further west; first, on account of the disparity between the timber grades; second, the excess weight of the Montana product; and third, the present interstate rates favorable to Idaho and Washington. It has even been asserted by witnesses under oath that the prevailing conditions will actually force the Montana mills to cease doing business. The record is exceptionally clear and comprehensive, and the Commission is

of the opinion that the rates now in effect are unreasonable and excessive to the extent that they exceed the rates named in the attached schedules.

### ORDER.

This case being at issue upon the initial motion of the Commission, and a full investigation of the matters and things involved having been had, and the Commission having on the date hereof, made its report containing its findings of fact and conclusions thereon, which report is made a part hereof.

IT IS ORDERED That the Great Northern Railway Company shall publish and put in force and effect not later than twenty days after receipt of certified copy of this order, the Rates, Rules and Regulations attached hereto, and the same shall so remain in effect until the further order or approval of this Commission.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Helena, Montana, November 21, 1913.

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### DISSENTING CONCLUSION

By

COMMISSIONER J. H. HALL.

With the findings set forth in the order and report made by a majority of the Commission upon the matters of fact referred to therein, I in large measure agree; I cannot, however, concur in the conclusion reached and am clearly of the opinion that a larger reduction in the rates on lumber from what has been designated as the Columbia Falls District to the points in question would be fair and just and should be ordered.

The evidence produced at the hearing proves beyond question that there has been no reduction in lumber rates from this district since the establishment of rates on lumber in 1896; that in the past six years rates on lumber from the Bonner's Ferry, Idaho, mills, which are in competition with the lumber produced by the mills of the interveners, have been decreased 24 per cent; that since 1896 the cost of transporting lumber by the Great Northern Railway Company has decreased at least 50 per cent; that during the period mentioned the construction of the Shelby cut-off has materially reduced the dis-

tance lumber is transported to Great Falls and other Montana points south of Shelby; that the lumber produced in the Kalispell district is heavier and of a cheaper grade than that produced in the competing district further west; that the heavier and cheaper lumber produced in the district in question cannot be transported outside of the state at a profit with the products of mills located further west.

It further unquestionably appears from the testimony that the mills operating in the Columbia Falls District in which the larger proportion of timber is larch and fir, are now and have for some time past been operating at a loss and that unless material freight reductions are obtained those mills cannot longer compete with the mills in what is known as the Bonner's Ferry District, where pine, a more valuable timber for lumber purposes, predominates.

It further appears from the testimony that the amount of compensation heretofore received by the Great Northern Railway Company for transporting lumber, a commodity that can be handled cheaply upon a per ton mile basis, is largely in excess of the average per ton per mile compensation received for the carrying of all commodities and that a reduction on the average of one third of the present rates may be made without any unfairness or material injury to the Great Northern Railway.

Mr. Miller, for interveners, gives at length in his testimony the amount of compensation received by the railroad upon the per ton per mile basis for carrying lumber to the different points in Montana and a comparison is made as to the freight charged for transporting other commodities and by this testimony it is disclosed that a larger reduction in the freight rates on lumber may be made than has been fixed by a majority of the Commission.

Mr. Boorman in his testimony (Tr. P. 69), says:

"I would think we ought to have a ten-cent rate to Great Falls, and that country from Havre should have a corresponding reduction, or a reduction so that the differential under the rate of Bonner's Ferry and Sand Point would more than overcome the difference in rate and perhaps almost equal the value of the difference in the product."

Mr. Miller in his testimony (Tr. P. 70), says:

"I have done quite a little figuring on that and my conclusion has been this: That in the territory that may be called adjacent to the Flathead country, the market that is adjacent to that producing district, which we include in the territory as far east as Havre on the main line and branches, and as far south as Great Falls, including the branches, and on the line running from Havre to Great Falls, in that district differentials should be not less than nine cents a hundred pounds to enable us to keep at this business and have a little to show for our work. In the territory that may be called the long haul territory, extending from Poplar on the main line to Mondak, including branches, the differential should not be less than seven cents, and that same differential should apply south of Billings until you hit the state line."

Mr. Brown, assistant general freight agent for the Great Northern Railway, in his testimony (Pages 123 and 124 of the transcript), was directly asked to give any reasons that he might have why the reductions asked for by Mr. Boorman and Mr. Miller should not be granted or wherein such reductions would be unfair to the railroad or cause it to carry lumber at less than a fair compensation. Mr. Brown stated that he regarded the rates suggested as very low; (he also stated, on page 120 of transcript, in regard to the rates voluntarily put in by the Great Northern Railway Company in 1896, that they were on a low basis). Mr. Brown was asked the following question:

"Now this Commission, it seems to me, is entitled to some reason from your standpoint, why there may not be given the reduction asked for by us, if such reason there is."

In reply thereto he stated:

"I think the Commission has had numerous rate matters before them on which they have had to exercise their judgment. This is a case where the differentials between different producing sections are up for consideration."

In other portions of his testimony, Mr. Brown admitted that commercial conditions should be taken into consideration and further stated that the conditions in the Columbia Falls District as testified to, presented a very serious problem.

Taking the testimony as a whole it clearly appears therefrom and there is no evidence of moment to the contrary, that a 9-cent instead of a 7-cent differential should be granted to the

mills in the Columbia Falls district to the points in Montana covered by the order relative to lumber rates made by the majority of the Commission, and that a differential of 9 cents is necessary in order to permit the mills in the Kalispell district to operate at a fair profit in competition with the mills in the pine zone further west.

A somewhat different condition is presented as to the lumber rates to Cut Bank, Shelby and places in that vicinity. In that portion of the tariff the reduction of the freight rates on account of the difference in distance is not necessary in order to permit the mills in the Columbia Falls District to compete with the mills in the Bonners Ferry District. No material reductions in lumber rates applying to the Cut Bank and Shelby sections have been made in the order of the majority of the Commission, but in my opinion a decided cut should be made in the rates to these places.

The lumber producers of the Columbia Falls District may not require cheaper freight rates in order to compete with their competitors but the consumers of lumber in the section named are entitled to the benefit of cheaper rates so they may obtain lumber at a lower price. That is to say the railway company should not be permitted to charge a higher rate upon any commodity transported to any community than is a fair and just compensation for the service rendered, and in my judgment the lumber rates from Columbia Falls District to Shelby, Cut Bank and vicinity are much higher than the service will justify.

I do not wish to be understood as opposing the reduction granted in the order of the majority of the Commission, but desire to express my opinion to the effect that the reduction in the rates is not enough. That is to say the differential should be nine instead of seven cents per hundred pounds.

(Signed) J. H. HALL,  
Commissioner.



**Maximum Carload Rates on Lumber and Articles Taking Same  
Rates or Arbitraries Higher, From Stations on Great  
Northern Ry., as Described Herein, to Sta-  
tions on Great Northern Ry. in  
Montana.**

Subject to minimum weights, rules and regulations as provided in Great Northern G. F. O. 22,407, Montana R. C. No. 152, and supplements thereto or re-issues thereof, approved by Montana Railroad Commission.

From. TO—	Group 1.	Group 2.	Group 3.	Group 4.	Group 5.	Group 6.
Mondak .....	26	27	25	25	26	28
Bainville .....	25	26	26	26	27	29
Plentywod .....	26	27	27	27	28	30
Redstone .....	27	28	24	24	25	27
Lanark .....	24	25	23	23	24	26
Culbertson .....	23	24	22	22	23	25
Callais .....	22	23	21	21	22	24
Wolf Point .....	21	22	20	20	21	24
Nashua .....	20	21	19	19	20	23
Vandalla .....	19	20	18	18	19	22
Beaverton .....	18	19	17	17	18	21
Bowdoin .....	17	18	16	16	17	20
Dodson .....	16	17	15	15	16	19
Montauk .....	15	16	14	14	15	18
Madras .....	14	15	13	13	14	17
Chinook .....	13	14	12	12	13	16
Havre .....	12	13	12	12	13	16
Big Sandy .....	12	13	12	12	13	16
Sayre .....	12	13	12	12	13	16
Lippard .....	12	13	12	12	13	16
Loma .....	12	13	12	12	13	16
Teton .....	12	13	12	12	13	16
Denton .....	12	13	12	12	13	16
Great Falls .....	12	13	12	12	13	16
Black Eagle .....	12	13	14	14	15	18
Sand Coulee .....	14	15	14	14	15	18
Stockett .....	14	15	14	14	15	18
Armington .....	14	15	15	15	16	19
Riceville .....	15	16	16	16	17	20
Monarch .....	16	17	17	17	18	21
Neihart .....	17	18	14½	14½	15½	18½
Raynesford .....	14½	15½	15	15	16	19
Moccasin .....	15	16	15	15	16	19
Lewistown .....	15	16	15	15	16	19
Judith Gap .....	15	16	15½	15½	16½	19½
Oxford .....	15½	16½	16	16	17	20
Nihill .....	16	17	16½	16½	17½	20½
Cushman .....	16½	17½	17	17	18	21
Belmont .....	17	18	18	18	19	22
Painted Robe .....	18	19	19	19	20	23
Broadview .....	19	20	20	20	21	24
Commanche .....	20	21	20½	20½	21½	24½
Hesper .....	20½	21½	21	21	22	25
Gt. Northern Jct.	21	22	22	22	23	26
Billings .....	22	23	12	12	13	16
Silver .....	12	13	13	13	14	17
Helena .....	13	14	13	13	14	17
Butte .....	13	14	12	12	13	16
Burnham .....	12	13	12	12	13	16
Gildford .....	12	13	12	12	13	16
Rudyard .....	12	13	12	12	13	16
Inverness .....	12	13	12	12	13	16
Joplin .....	12	13	12	12	13	16
Bison .....	12	13	12	12	13	16
Chester .....	12	13	12	12	13	16
Tiber .....	12	13	12	12	13	16
Lothair .....	12	13	12	12	13	16
Galata .....	12	13	12	12	13	16
Devon .....	12	13	11	11	13	16
Dunkirk .....	11	12	11	11	13	16

From. TO—	Group 1.	Group 2.	Group 3.	Group 4.	Group 5.	Group 6.
Farrell .....	11	12	10	10	12	16
Shelby .....	10	11	12	12	13	16
Sweet Grass ....	12	13	12	12	13	16
Kevin .....	12	13	11	11	13	16
Naismith .....	11	12	12	12	13	16
Fowler .....	12	13	12	12	13	16
Conrad .....	12	13	12	12	13	16
Brady .....	12	13	12	12	13	16
Collins .....	12	13	12	12	13	16
Dutton .....	12	13	12	12	13	16
Power .....	12	13	12	12	13	16
Steel .....	12	13	12	12	13	16
Vaughn .....	12	13	15	15	16	19
Largent .....	15	16	16	16	17	19
Fort Shaw .....	16	17	16	16	17	19
Simms .....	16	17	16	16	17	19
Loomis .....	16	17	17	17	18	21
Riebling .....	17	18	17	17	18	21
Bickel .....	17	18	17	17	18	21
Gilman .....	17	18	10	10	12	16
Virdin .....	10	11	10	10	12	16
Simla .....	10	11	10	10	12	16
Ethridge .....	10	11	10	10	12	16
Baltic .....	10	11	10	10	12	16
Cut Bank .....	10	11	10	10	12	16
Opal .....	10	11	10	10	12	16
Seville .....	10	11	10	10	12	16
Bombay .....	9	11	10	10	12	16
Blackfoot .....	9	11	10	10	12	16
Browning .....	9	11	9	9	11	15
Durham .....	8	10	9	9	11	15
Kilroy .....	8	10	9	9	11	15
Midvale .....	8	10	8	8	10	14
Talbot .....	7	9	8	8	10	14
Lubec .....	7	9	8	8	10	14
Arklow .....	7	9	8	8	10	14
Summit .....	6	8	8	8	10	14
Skyland .....	6	8				

### DESIGNATION OF GROUPS.

Rates named from the various groups herein, will apply from the following named stations:

Group 1.  
Kalispell.  
Columbia Falls.  
Hunt & Trip-  
pett's Spur.  
Whitefish.  
Somers.  
Kila.  
Daly's Spur.  
La Salle.  
Kalispell Lbr.  
Co., Spur.  
Batavia.

Group 2.  
Eureka.  
Fortine.  
Gussen.  
Hoven Spur.  
Tobacco.

Group 3.  
Athens.

Group 4.  
Marion.  
Idaho Lbr.  
Co. Spur.

Group 5.  
Libby.  
Gateway.  
Hayden.  
Jennings.  
Palmer's Spur.  
Rexford.  
Ripley.  
Rondo.  
Stonehill.  
Tweed.  
Ural.  
Volcour.  
Warland.  
Yarnell.  
Cato.

Group 6.  
Kootenai Falls.  
Troy.  
Rankin.  
Yakt.

**Maximum Distance Rates on Lumber—Carloads.**

The maximum carload rates on lumber and articles taking same rates or arbitraries higher, subject to minimum weights, rules and regulations named in Great Northern G. F. O. 22,407, Mont. R. C. 152, or re-issues, from the shipping points shown herein under Groups 1 to 6, inclusive, will be as follows, in cents per 100 pounds:

	Distance.				Rate.
20	miles	and	under	.....	2
25	"	"	"	.....	3
30	"	"	"	.....	4
40	"	"	"	.....	5
50	"	"	"	.....	6
65	"	"	"	.....	7
90	"	"	"	.....	8
115	"	"	"	.....	9
130	"	"	"	.....	10
150	"	"	"	.....	11

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**OFFICE OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF MONTANA.**

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H. M. STRINGHAM,

vs.

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY COMPANY.

IN THE MATTER OF Adjusting Charges on certain cars of Cord Wood.

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CLAIM, C. M. & ST. P. No. 61,237,  
Mont. R. C. Authorization No. 1,041.

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Claimant seeks reparation in the sum of \$37.82, on account of certain cars of cord wood loaded at Cyr, Montana, and shipped thence to Missoula via the lines of the Chicago, Milwaukee St. Paul Railway in the month of October, 1909.

On all of the shipments involved in this claim, rate of \$1.62½ per cord was charged, and settlement of freight charges made on that basis, which was correct in accordance with the published tariff then in effect. The Northern Pacific Railway Company, however, on April 19th, 1909, placed in effect a rate of \$1.10 per cord on wood from Cyr to Missoula. The Chicago, Milwaukee & Puget Sound Railway (now Chicago, Milwaukee & St. Paul Railway Company), purported to meet this rate of \$1.10 by publishing its Supplement No. 3 to Tariff P. C. L. 1-C, Mont. R. C. No. 55, but in error, the

date effective was made to read December 17, 1909.

The defendant is now agreeable to applying the reduced rate to the shipments involved in this claim, which moved prior to December 17, 1909, if the Commission shall so order.

### Statement of the Claim.

Date.	Car. No.	Cords.	Rate Paid.	Amount.
Oct. 23, 1909 .....	67762	15	\$1.62½	\$24.38
Oct. 23, 1909 .....	46990	12	1.62½	19.50
Oct. 24, 1909 .....	73218	15	1.62½	24.38
Oct. 25, 1909 .....	65832	15	1.62½	24.38
Oct. 27, 1909 .....	71526	15	1.62½	24.38
Total Collected .....				\$117.02
Charges as corrected, 72 cords at \$1.10 .....				79.20
Total to Refund .....				\$ 37.82

WHEREFORE, in view of all the facts submitted, and the freight charges having been paid as evinced by presentation of the original expense bills, and the averment that the five cars involved in this claim are the only shipments that moved under the higher rate, authority is hereby granted the said Chicago, Milwaukee & St. Paul Railway Company to make refund of the above specified amount, same being the difference between the freight charges as paid, and what they would have been under the rate of \$1.10.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Dated at Helena, Montana, January 24th, 1913.

### OFFICE OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF MONTANA.

ANACONDA COPPER MINING COMPANY,

vs.

OREGON SHORT LINE RAILROAD COMPANY,  
IN THE MATTER OF Adjusting Charges on certain cars of  
Silica Rock on basis of Actual Weight.

CLAIM, A. C. M. CO. No. 12,888,  
O. S. L. R. R. Co. No. O-1001-243-9.

Mont. R. C. Authorization No. 997.

Claimant seeks reparation in the sum of \$23.30 on account of certain cars of Silica Rock loaded at Dalys, Montana, and

shipped thence to Anaconda, Montana, via the Oregon Short Line Railroad and the Butte, Anaconda & Pacific Railway, which were not loaded to marked capacity.

Tariff naming commodity rate of  $5\frac{1}{2}$ c per cwt. on silica rock, provides that a minimum weight shall be "marked capacity of car." The cars covered by this claim, nine in number, weighed less than marked capacity; there being no track scales at point of origin, a number of cars had been **overloaded**, and to guard against this, and the possibility of causing accidents, the Operating Department of the railroad company instructed claimants not to load the cars above a certain designated lines (three feet, six inches deep). The instructions were followed with the result that the nine cars in question were slightly underloaded; hence the application of the railroad company for authority to make settlement on basis of actual weight.

#### STATEMENT OF THE CLAIM.

Date.	Car. No.	Billed Wgt.	Scale Wgt.	Excess Wgt.
1912.				
April 26 .....	26009	100,000	97,200	2800
May 2 .....	11611	100,000	98,200	1800
April 29 .....	25341	100,000	95,620	4380
May 6 .....	25653	100,000	96,700	3300
May 8 .....	25960	100,000	99,600	400
May 17 .....	26143	100,000	93,200	6800
May 15 .....	27015	100,000	90,920	9080
May 24 .....	54356	100,000	92,400	7600
May 27 .....	25874	100,000	93,800	6200
		900,000	857,640	42360
As Billed 900,000 lbs., at $5\frac{1}{2}$ c .....				\$495.00
As corrected 857,640 lbs., at $5\frac{1}{2}$ c .....				471.70
Excess .....				\$ 23.30

WHEREFOR, In view of all the facts submitted and the freight charges having been paid as evinced by the presentation of the original expense bills, authority is hereby granted the said Oregon Short Line Railroad Company to make refund of the above specified amount, same being the difference between the freight charges as paid and what they would have been had the loading not been restricted.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Helena, Montana, January 13th, 1913.

#### CLASSIFICATION, ROCKING CHAIRS.

The status of the case of the Board of Railroad Commissioners of the State of Montana, in behalf of S. C. Ring of Helena, Montana, against the Chicago, Burlington & Quincy Railroad

Company, and the Northern Pacific Railway Company, is reported on Page 171 of our fifth annual report. The Interstate Commerce Commission rendered its decision December 2d, 1912, dismissing the complaint. The opinion follows:

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“INTERSTATE COMMERCE COMMISSION

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No. 4190.

BOARD OF RAILROAD COMMISSIONERS OF THE  
STATE OF MONTANA,

vs.

CHICAGO, BURLINGTON & QUINCY RAILROAD COM-  
PANY, et al.

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SUBMITTED, February 23, 1912.

DECIDED, December 2, 1912.

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Double first class rating applied to the transportation of two rocking chairs, set up, with rockers detached and tied to back, from Lincoln, Neb., to Helena, Montana, not found excessive or unreasonable. Complaint dismissed.

J. A. Poore for complainant.

Gunn & Rasch for defendants.

**Report of the Commission.**

By the Commission:

Complainant brings this proceeding on behalf of S. C. Ring, a commercial salesman of Helena, Montana. By petition filed June 21, 1911, it is alleged that excessive and unreasonable charges were collected for the transportation of two rocking chairs from Lincoln, Nebr., to Helena, Montana. Reparation is asked.

The shipment was made December 19th, 1910, and charges amounting to \$8.55 were collected, based upon a weight of 190 pounds, and double first class rate of \$4.50 per 100 pounds, provided by Western Classification for rocking chairs, set up. The classification contained a provision as follows:

‘Rocking chairs.—Bases detached, taken apart and tied to backs, or backs and seats detached, packed flat on bases, first class.’

The chairs were shipped set up, with the rockers or runners detached and tied to the back of the chair before burlapping. Complainant contends that the removal of the rockers or runners satisfied the provision 'bases detached, taken apart, and tied to back.' However, upon the record it is clear that these chairs had no such parts as are commonly known as bases, and no reasonable construction of the above provision will admit of its application in a case where only the rockers or runners are removed.

Upon the record we are unable to find that the charges collected were excessive or unreasonable. The complaint must therefore be dismissed and an order will be entered accordingly."

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#### **RATES ON STONE FROM KAINS SPUR TO HAVRE AND MALTA.**

Kains Spur is located on the line of the Great Northern Railway about fourteen miles south of Helena. The principal shipments from that point—in fact, the only shipments, consist of building stone, and on December 23rd, 1912, the Great Northern Railway Company made application to the Commission for authority to apply rate of 9 cents per cwt. on certain cars of rock which had already been shipped to Havre and Malta, Montana, to be used in the construction of two churches at those points.

It would be unlawful to grant a lower rate on the shipments in question than apply to other shipments of the same commodity between the same points, notwithstanding that the cause was a deserving one, and in order to avoid discrimination, an amendment to the tariff was authorized, its application retroactive to August 5th, 1912, and the railway company instructed to correct charges to basis of 9 cents per cwt. on any and all shipments made since the date of the amendment. Accordingly, billing was changed to read 9 cents per cwt. on 11 cars of stone shipped during that period, the former rates being to Havre 15 cents and to Malta 18 cents per cwt.

## THREE FORKS PORTLAND CEMENT COMPANY,

vs.

NORTHERN PACIFIC RAILWAY COMPANY,  
GREAT NORTHERN RAILWAY COMPANY,

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Rates on Cement.

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The Three Forks Portland Cement Company is engaged in the manufacture of cement at Trident, Montana, located on the main line of the Northern Pacific Railway between Logan and Lombard, and made informal complaint to the Commission in May, 1912, alleging that the rates on its product to stations on the line of the Great Northern Railway in the state, were discriminatory as compared with rates from Mason City, Iowa, and other eastern manufacturing points into Montana, and that by reason of such discrimination, complainant was unable to compete in certain markets of the state.

Upon investigation of the rates complained of, and a comparison with rates on this product from eastern points, a schedule was prepared by the Commission to all points on the Great Northern Railway in Montana. A number of conferences followed between the Great Northern Railway Company, the Cement Company and the Commission. Some adjustments were made in the Commission's tentative proposition, and effective January 13th, 1913, a complete schedule of rates was established to all stations on the Great Northern in Montana, which figures in the aggregate a reduction of 13.3 per cent. The schedule in detail follows:

## RATES ARE SHOWN IN CENTS PER HUNDRED POUNDS.

TO—	Old Rate.	New Rate.	Reduction.
Mondak .....	35	30	5
Bainville .....	35	30	5
McCabe .....	40	31	9
Froid .....	40	32	8
Homestead .....	40	33	7
Medicine Lake .....	40	34	6
Reserve .....	40	35	5
Antelope .....	40	35	5
Plentywood .....	40	35	5
Poplar .....	35	30	5
Chelsea .....	35	30	5
Macon .....	34	29	5
Wolf Point .....	34	29	5
Lohmiller .....	33	28	5
Oswego .....	33	28	5
Frazer .....	33	28	5
Kintyre .....	32	28	4
Milk River .....	32	28	4
Nashua .....	31	28	3
Whately .....	31	28	3
Glasgow .....	30	27	3
Hinsdale .....	30	27	3
Saco .....	30	27	3



TO—	Old Rate.	New Rate.	Reduction.
Malta .....	30	27	3
Wagner .....	30	27	3
Dodson .....	30	26	4
Coburg .....	30	26	4
Harlem .....	30	26	4
Chinook .....	30	26	4
Toledo .....	30	26	4
Havre .....	30	25	5
Pacific Jct. ....	30	25	5
Assiniboine .....	30	25	5
Box Elder .....	30	25	5
Big Sandy .....	29	25	4
Verona .....	28	25	3
Cairo .....	28	25	3
Virgelle .....	28	25	3
Sayre .....	27	25	2
Lippard .....	27	25	2
Loma .....	26	25	1
Teton .....	26	25	1
Monarch .....	26	25	1
Neihart .....	27	25	2
Chester .....	30	25	5
Galata .....	30	25	5
Shelby .....	30	25	5
Viriden .....	30	25	5
Power .....	23	22	1
Dutton .....	24	23	1
Collins .....	25	23	2
Brady .....	26	23	3
Withey .....	26	24	2
Conrad .....	27	24	3
Fowler .....	29	24	5
Naismith .....	29	24	5
Kevin .....	30	25	5
Sweet Grass .....	30	25	5
Simla .....	30	25	5
Columbia Falls .....	30	25	5
Kallspell .....	30	25	5
Somers .....	30	25	5
Batavia .....	31	26	5
Kila .....	31	26	5
Athens .....	32	27	5
Marion .....	34	29	5
Half Moon .....	30	25	5
Whitefish .....	30	25	5
Vista .....	31	26	5
Lupfer .....	32	27	5
Olney .....	33	28	5
Radnor .....	34	29	5
Eureka .....	35	30	5
Rexford .....	38	33	5
Gateway .....	40	35	5
Warland .....	40	39	1

**Subject: Alleged Overcharge.**

M. V. Brown,

vs.

Northern Pacific Railway Co.

Complainant is an architect and building contractor at Townsend, Montana, and on December 9th, 1912, presented to the Commission the original expense bills covering two less than carload shipments of freight from points east of St. Paul on which he felt there was a slight overcharge. Upon investigation it was found that the charges as made were correct in accordance with the published tariffs.

One of these shipments included a quantity of stove pipe "nested and wrapped in burlap," on which one and one-half times first class rate was assessed. This was also found to be

correct, but the shipment would have taken fourth class had it been "stovepipe iron cut in shape, nested and crated." The shipment in question was merely wrapped, not crated, and under the classification takes one and one-half times first.

**Subject: Overcharge on Horses.**

E. D. Coleman,

vs.

Oregon Short-Line Ry. Co.,  
and Great Northern Ry. Co.

This complaint was presented to the Commission on June 14th, 1912, and alleged that a shipment consisting of 11 head of horses, made from Dillon February 24th, 1912, to Glasgow, had been overcharged for the reason that a 36-foot car had been furnished, whereas complainant had ordered a 33-foot car.

Upon investigation, it was found that two shipments of horses were made from Dillon at the same time; the order placed with the agent of the Oregon Short Line Railroad Company was for "two 36-foot cars," and was signed by "Coleman & Hall." Upon inquiry, Mr. Coleman stated that he was not aware that Mr. Hall had specified 36-foot cars. That he (Coleman) wanted the smallest car available as he only had 11 head to ship. However, the written order to the Oregon Short Line was held by the Commission as a waiver of any claim against that company.

The shipment in question moved via the Oregon Short Line and Great Northern through Butte, and upon arrival at Butte, complainant made verbal application to the agent of the Great Northern Railway for a 33-foot car. It appears that none was available, and the original car continued through to destination, being billed out of Butte on basis of car 33 feet in length. That is, the agent at Butte protected the charges on the smaller car. Upon arrival at Glasgow, the agent advanced the freight charges on basis of 36-foot equipment. Claim was presented to the railway company, and under date of June 6, 1912, Claim 413,057 was formally declined, giving as the reason that it had no cars of the size ordered at Butte, by this complainant. The matter was then turned over to the Commission.

While it is probably true that the railway company had no car available at Butte less than 36 feet in length, the tariffs of

that company provided for charges on cars of lesser length, and also that the freight charges will be protected on basis of car ordered, when cars of other dimensions are furnished at the carrier's convenience. Accordingly the Commission presented claim to the Great Northern Railway Company for the difference in charges between a 33-foot and a 36-foot car, Butte to Glasgow, which claim has been paid in full.

#### **RATE ON CANNED GOODS, UTAH POINTS TO MISSOULA, MONTANA.**

Prior to December, 1912, the Oregon Short Line Railroad Company published a rate of 55 cents per cwt. carloads, on canned goods from points in Utah, to Garrison, Montana, and in connection with this interstate movement, the Northern Pacific Railway Company and the Chicago, Milwaukee & St. Paul Railway Company published rate of 15c per cwt. on same commodity, Garrison to Missoula, making the through rate from Utah 70c per cwt.

The Oregon Short Line Railroad Company amended its tariff naming through rate from points to origin as referred to above, to Missoula at 70c per cwt. with minimum 40,000 pounds. Thereupon the Northern Pacific Railway Company and the Chicago, Milwaukee & St. Paul Railway Company applied to the Commission for authority to cancel rate of 15 cents, Garrison to Missoula.

Upon investigation it was found that the rate of 55 cents from Salt Lake, etc., to Garrison, took minimum 36,000 pounds, while the 15-cent rate Garrison to Missoula took minimum 30,000 pounds. It will be observed that the through rate was the same, viz., 70 cents per cwt., but the combination of minimums made a lower charge based on Garrison, than the through rate of 70 cents at 40,000 pounds. The Commission therefore declined to authorize the cancellation until such time as the through tariff is lined up so as to equal the present combination of locals.

#### **EXPRESS RATES, HELENA TO LEWISTOWN, MONTANA.**

With the completion of the Great Northern Railway Company's line from Moccasin to Lewistown, the Great Northern Express Company submitted to the Commission for approval, its tariff naming rates from Helena to Lewistown, and show-

ing the distance to be 215.62 miles. It is the custom to drop fractional miles less than one-half, and to figure as one mile any fraction one-half or over, consequently the express rates Helena to Lewistown would be based on 216 miles. The rates of the express company are grouped as to distance, that is, over 215 miles, and not over 250 miles, the express merchandise rate is \$2.25 per cwt., while for not more than 215 miles, the merchandise rate is \$2.00. A strict adherence to this rule would make the Helena-Lewistown merchandise rate \$2.25, and the rate on fruit \$1.30, while if the distance were two-tenths of a mile less, the merchandise rate would be \$2.00, and the fruit rate \$1.15 per cwt.

The Official Table of Distances of the Great Northern Railway Company shows the mileage to be 215.3, which, if correct, would in computing express rates, be considered as 215 miles. The difference being so slight, and the effect being to advance the rate 25 cents per cwt. on merchandise, and 15 cents per cwt on fruit, the Commission requested the express company to issue an amendment to its tariff, according to this business the same rates as though the distance did not exceed 215 miles. This has been done, retroactive to December 1st, 1912, in order to protect business that moved under the higher tariff.

#### RATES ON COAL FROM LOCK BLUFF.

On page 154 of annual report year ending November 30th, 1911, reasons are given for the removal of spur track to coal mine at Lock Bluff, on the Chicago, Milwaukee & Puget Sound Railway, and as was anticipated at that time, operation of the property was resumed when the question of title to the coal lands was settled. At the time authority was given to remove this track, the Commission also authorized cancellation of the then existing rates on coal to various points, and the tariff was accordingly cancelled.

In November, 1912, the track was re-laid, and the coal company made application to the Commission for restoration of the same freight rates which were in effect prior to temporary abandonment of the property in 1910. These rates were reinstated, effective November 20th, 1912.

**Subject: Rate on Automobiles.**

Silver Bow Automobile Company,

vs.

Northern Pacific Railway Company.

Complainant shipped one automobile "Set up," Butte, Montana, to Spokane, Washington, and complained of the rate of \$3.08 per hundred pounds, which is double first-class. It was found that the rate as charged was correct in accordance with classification which provides double first class on automobiles "with fixed or standing tops, boxed or crated." This machine would have taken one and one-half times first class rate of \$2.31 per cwt., had it been shipped **without** fixed or standing top, boxed or crated.

**Subject: Overcharge on Shipment of Apples.**

J. C. Wood,

vs.

Great Northern Ry. Co.

This complaint was first presented to the Commission through the Kalispell Chamber of Commerce January 13th, 1913, and alleged that Great Northern car No. 92092 loaded with apples from Somers to Kalispell, and billed thence to Bozeman, had been overcharged in the sum of \$14.00, and asked for reparation.

The car was billed from Somers to Kalispell at an estimated weight of 29,250 pounds. It was weighed at Helena on Northern Pacific track scales, showing net weight 33,420 pounds. Upon arrival at Bozeman, complainant took exception to the Helena scale weight, claiming that the actual weight of contents was 31,200 pounds, based on 650 boxes of apples, each weighing 48 pounds. Agent of the Northern Pacific Railway Company at Bozeman counted the number of boxes and found 650 to be correct. He also weighed a number of them with the result that the average gross weight per box was 48 pounds, as claimed. The Northern Pacific, therefore, corrected its freight bill to read 31,200 pounds. Advance charges of the Great Northern, however, were made on basis of Helena scale weights, vix., 33,420 pounds.

The investigation also disclosed the fact that this shipment had been assessed the local rate of 9c per cwt. from Somers to Kalispell, and rate of 64c Kalispell to Helena. Owing to an understanding the Commission had with the Great Northern

Railway Company that the rate on apples from Somers should be the same as from Kalispell when destined to points east or south of Havre, although a technical interpretation of the tariff did not so provide, claim was prepared in this office for refund of \$40.53 as follows :

CHARGES AS PAID.	
Somers to Kalispell, 29250 lbs at 9c .....	\$ 26.33
Kalispell, to Helena, 33,420 at 64c .....	213.88
Total .....	\$240.21
SHOULD BE.	
Somers to Helena, 31,200 lbs. at 64c ..	\$199.68
Overcharge .....	\$ 40.53

The Great Northern Railway Company conceded the correctness of the position taken by the Commission, and expressed its willingness to pay the claim as above, upon the Commission's authority to apply the Kalispell rate from Somers. Accordingly, the Commission's authorization No. 1,027 was issued as follows, and the claim was paid on November 26, 1912.

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OFFICE OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF MONTANA.

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J. C. WOOD,

vs.

GREAT NORTHERN RAILWAY COMPANY.

IN THE MATTER OF Applying Kalispell Rates on one carload of apples shipped from Somers, Montana, to Helena, Montana, October 31, 1911; Great Northern car No. 92092.

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CLAIM No 405,271.  
Montana R. C. Auth. No. 1,027.

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Complainant having shipped via the line of the defendant, the above numbered car, from Somers to Kalispell and thence to Helena, Montana, and having paid freight charges thereon in the sum of two locals, seeks reparation on the ground that the same rate should have applied from Somers as from Kalispell, viz., 64c per cwt., and upon full investigation it having developed that the Somers rate should not have exceeded that from Kalispell, although a technical interpretation of the tariffs did not so provide, it has been agreed by the defendant, Great

Northern Railway Company, to correct freight charges on the shipment involved and make reparation to this complainant.

WHEREFORE, In view of all the facts submitted and on file, authority is hereby granted the said Great Northern Railway Company, to make refund of the difference between the freight charges collected, and what they would have been had the rate from Somers, Montana, been the same as from Kalispell, Montana, on apples, carloads, at the time this shipment moved.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Helena, Montana, November 4, 1912.

**Subject: Excursion Fares.**

M. A. Walker,

vs.

Oregon Short Line Railroad Company.

Complainant is a resident of Dillon, Montana, and took up with the Commission on October 14th, 1912, the matter of a round trip ticket purchased at Dillon, Montana, to Salt Lake, Utah, for which he paid full fare. There was contemporaneously in effect an excursion rate from Butte, Montana, to Salt Lake, Utah, and return, of \$13.05, and alleged that it was unlawful to charge more from Dillon than from Butte, the former being an intermediate point.

Upon investigation it was found that the Oregon Short Line Railroad Company had published, effective October 1, 1912, excursion rates to Salt Lake, Utah, account semi-annual conference of the Mormon Church, and that the round trip rate from Butte, Montana, so published, was the one way fare of \$13.05. This special rate notice did not name rates from any other Montana points, and the defendant's agent at Dillon had no instructions to sell tickets at reduced rates. The movement being interstate, the matter was referred to the Interstate Commerce Commission for its ruling, as to whether or not the non-application of this excursion rate from Dillon and intermediate points, was in violation of the fourth section of the Act to Regulate Commerce.

In its reply, the Interstate Commerce Commission holds that the railroad company was acting legally in limiting the applica-

tion of this special fare to Butte, and says:

"The tariffs involved have been examined and your attention is invited to the enclosed. \* \* \* It will be noted that the tariff naming the excursion fare from Butte makes no provision for the application thereof from intermediate points. The fourth section of the Act to Regulate Commerce contains prohibition against charging a higher rate for a shorter than a longer haul, where the shorter haul is included in the longer, but in construing this section of the Act, the Commission has held that in order to determine whether the provisions of the fourth section are contravened, rates and fares of the same kind should be compared with one another, that is, proportional rates with proportional rates, excursion fares with excursion fares, commutation fares with commutation fares, etc. It is not a violation of the fourth section for the carrier to establish a lower excursion fare from a more distant point than the regular fare from an intermediate point."

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**Subject: Rates on Coal to Lewistown.**

International Coal Company,

vs.

Montana, Wyoming & Southern Ry. Co.,

Northern Pacific Ry. Co.

and Great Northern Ry. Co.

Complainant is engaged in mining and shipping coal from Bearcreek, Montana, located on the Montana, Wyoming & Southern Railroad, and complained to the Commission on December 22nd, 1912, that the rate on coal to Lewistown, Montana, was excessive and notwithstanding that there was a market for its product in Lewistown, it was prohibited from competing with other coal producing points by reason of such excessive rate, and prayed for relief.

The new line of the Great Northern Railway Company from Moccasin to Lewistown has been in operation but a short time, and prior thereto, the only means of reaching Lewistown from Bearcreek coal fields, was via the Northern Pacific Railway and Chicago, Milwaukee & St. Paul Railway through Lombard



Junction. With the advent of the Great Northern, the route was shortened 157 miles.

At the time this complaint was made, the lowest combination of rates that could be figured was made up of Bearcreek to Bridger, 45c; Bridger to Broadview, \$1.75; Broadview to Lewistown, \$1.15, making through rate \$3.35 per ton. An investigation was made and upon the Commission's request, joint rate of \$2.55 per ton became effective March 13th, 1913.

This rate established to Lewistown, involved a number of changes (reductions), on coal from Bearcreek to other points on the Great Northern Railway, and for full information as to these adjustments see N. P. Tariff 1169-D.

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**Subject: Overcharge, Household Goods.**

Frank W. Campbell,

vs.

Northern Pacific Railway Co.,

Chicago, Milwaukee & St. Paul Ry. Co.

Complainant is a rancher residing in the vicinity of Shawmut, Montana, and complained that he had been overcharged on a car of emigrant movables and livestock shipped from Edmunds, N. D., to Shawmut, Montana, in March, 1911. The movement being interstate, complaint was presented by this board on behalf of Mr. Campbell, to the Interstate Commerce Commission at Washington, D. C., alleging that the rate assessed was unreasonable and excessive in that a lower rate was available via another route, and prayed for reparation in the sum of \$28.00.

This case was submitted before a special examiner of the Interstate Commerce Commission at Helena, September 27th, 1912, and was decided March 5th, 1913, I. C. C. Opinion 2250, as follows :

**"REPORT OF THE COMMISSION.**

**BY THE COMMISSION:**

This complaint is brought by the Board of Railroad Commissioners of the State of Montana, on behalf of Frank W. Campbell, a ranchman, living in the vicinity of Shawmut, Montana, hereinafter referred to as complainant. In the petition filed March 5, 1912, it is alleged that the defendants charged an unreasonable rate for the transportation of a carload of emigrant

movables, consisting of household goods, farm implements, horses, hogs, etc., from Edmunds, N. D., to Shawmut. Reparation is asked.

The record shows that on March 21, 1911, complainant shipped from Edmunds to Shawmut a carload of emigrant movables as above described, the weight of which was less than 20,000 pounds, but subject to a minimum weight of 20,000 pounds. Edmunds is on a branch line of the Northern Pacific Railway, 27 miles north of Jamestown, N. D. The latter point is on the main line of the Northern Pacific, 343 miles west of St. Paul, Minn. Shawmut is on the main line of the Chicago, Milwaukee & Puget Sound Railway, 200 miles west of Miles City, Montana. The shipment moved from Edmunds to Miles City via the Northern Pacific and from Miles City to destination via the Chicago, Milwaukee & Puget Sound, a distance of 629 miles. There was no through rate in effect over the route of movement, and the defendants charged 29 cents per 100 pounds from Edmunds to Miles City, and  $36\frac{1}{2}$  cents per 100 pounds from Miles City to Shawmut, and collected from complainant the sum of \$131. At the same time there were rates in effect on emigrant movables of  $14\frac{1}{2}$  cents from Edmunds to Edgeley, N. D., and  $36\frac{1}{2}$  cents from Edgeley to Shawmut, or a through rate of 51 cents for a distance of 774 miles. If the shipment had moved via the latter route, the total charges would have been \$102. Complainant asks reparation in the amount of the difference between the charges over the two routes.

It appears that the shipper, prior to the movement executed a live stock contract which entitled him to free transportation, and routed the shipment via Miles City. It is a well settled principle that a shipper is bound by his routing instructions and chargeable with the rates applicable over the route via which he directs his shipment to move. This principle, however, is always subject to the limitation that the charges over the route of movement are reasonable.

The question presented here is: Were the charges

collected of the shipper reasonable? It is the contention of the defendants that the factors of the through rate are reasonable because lower than the Class B rate applicable to shipments of household goods from and to the same points.

It is well known that carriers make low rates on emigrant movables to induce settlement along their lines, and it may be conceded that such rates are not a fair measure of rates generally. It is to be noted, however, that these defendants are parties to a route from Edmunds to Shawmut through Edgeley, via which the rate was  $14\frac{1}{2}$  cents per 100 pounds less for a distance of 774 miles than the rate on the same traffic from and to the same points for a distance of 629 miles. It also appears that the Northern Pacific, for a distance of 625 miles from St. Paul, maintains a rate on emigrant movables of 18 cents per 100 pounds. It is no doubt true that rates on emigrant movables from terminals for the purpose of inducing settlement may be made lower than the Commission would feel warranted in prescribing, yet comparatively the rates in question are undoubtedly high. The rates over the route of movement yield 2.08 cents per ton per mile as against 5.7 mills for a movement for the same distance from St. Paul. The distance from Edmunds to Miles City is 429 miles, and at 29 cents per 100 pounds yields 1.35 cents per ton per mile. The distance from Miles City to Shawmut is 200 miles, and at  $36\frac{1}{2}$  cents per 100 pounds, yields 3.65 cents per ton per mile.

Under all the circumstances of this case we are of opinion and find that the through charge made in this case was unreasonable to the extent it exceeded 51 cents, the combination rate in effect via Edgeley.

We further find that complainant made the shipment as above described and paid charges thereon which are herein found unreasonable, and that he is entitled to reparation in the sum of \$29, with interest from March 25, 1911, which represents the difference between the amount which he did pay and the amount he would have paid had the rates herein found reasonable, been applied. An order will be entered accordingly."

**Subject: Rate on Fruit.**

L. H. Webber,

vs.

Northern Express co.,  
and Adams Express Co.

Complainant is a resident of Silesia, engaged in the business of raising and shipping small fruits. By complaint filed February 11th, 1913, it was alleged that the express rate on fruit from Silesia to certain points in Wyoming, was \$1.40 per cwt., while the rate from Billings to same points of destination, was \$1.00 per cwt., notwithstanding that the route was twenty-five miles longer.

It should be explained that Silesia is an exclusive Northern Express Company station on the line of the Northern Pacific Railway, over which the Adams Express Company operates on Chicago, Burlington & Quincy trains between Billings and Fromberg. Investigation developed that it was the practice of the Northern Express Company to handle the Silesia fruit shipments to Billings, there delivering the business to the Adams Express Company, while a shorter route was available, Northern Express Company Silesia to Fromberg, thence Adams Express Company to points of destination.

The complaint was informal and so handled, with the result that effective June 5th, 1913, joint tariff of the two express companies involved, became effective, making rate of \$1.00 per cwt. for the transportation of fruit from Silesia to Wyoming stations referred to, via the more direct route through Fromberg.

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**Subject: Freight Fates on Sheep.**

Owen B. Parham,

vs.

Great Northern Railway Co.

Complainant is a resident of Billings, Montana, engaged in the business of buying, selling and shipping sheep. By petition filed August 8th, 1912, it was alleged that the rates charged by defendant for the transportation of sheep from all stations on the line of the Great Northern in Montana, to Billings, were unreasonable and discriminatory in that the rates charge to Billings were higher than the rates charged for the same

service in the opposite direction, and prayed for relief.

For many years, defendant has had in effect, special rates on sheep in shipments consisting of ten cars or more, but such special rates did not apply between all points. Generally speaking, it may be said that these train-load rates were made into the feeding grounds, and not from the feeding ground into the terminals. In this particular case, there were special rates in train-load lots when destined to stations west of Benchland, while the points between Benchland and Billings, the single carload rate applied.

Defendant's answer denied the material allegations of the complainant, and accordingly hearing was held on November 11th, 1912. Prior to date of hearing, however, the Commission had taken up on its initial motion, the question of livestock rates generally throughout the State, and at a conference February 12th and 13th, 1913, at which time the Great Northern Railway Company among others, was represented, it was agreed that that company would amend its tariffs making the rates on shipments consisting of ten cars or more, applicable between all points on its line, and in either direction. This was done, effective March 20th, 1913, and thereupon the complaint in question was dismissed, having been satisfied.

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**Subject: Demurrage.**

S. H. Nesbit,

vs.

Northern Pacific Railway Co.

Complainant is a rancher residing in the vicinity of Trial Creek, Montana, located on the Yellowstone Park Branch of the Northern Pacific Railway, and complained of demurrage charged on five cars loaded with hay in September and October, 1912.

The investigation showed that at the time these cars were loaded, the freight service on that branch was tri-weekly, viz., Mondays, Wednesdays and Fridays, and the demurrage assessed in each instance was found to cover the dates on which the train did not run. The railway company took the position that complainant had not furnished billings until the cars were picked up, the practice being to give the billing to the conductor, there being no agent at that station. Complainant had made

no effort to telephone billing instructions to the next agency west, knowing as he did; that there would be no train until the following day, and the cars consequently could not move. It was found that the cars were taken out by the first train passing Trail Creek station after the free time had expired, and the Commission held that the demurrage had been improperly assessed.

The purpose of demurrage is to expedite the loading and release of cars, and not to penalize the shipper or consignee, and if the carrier elects to operate freight service but three times a week, it is not thought consistent to impose demurrage upon the shipper for consequent detention to the equipment.

Refund was made of the full amount collected.

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**Subject: Overcharge.**

Montana Brewing Company,

vs.

Great Northern Railway Co,  
Northern Pacific Railway Co.

Informal complaint was made through the Great Falls Chamber of Commerce, on behalf of the above named company, alleging that freight charges on four cars of straw shipped from Fromberg on the line of the Northern Pacific Railway, to Great Falls on the line of the Great Northern Railway, were unreasonable and in excess of the regularly published tariff.

The four cars in question were billed at through rate of 51 cents per cwt., minimum 24,000 pounds. No through rate on this commodity was on file with the Commission, the lowest basis being the regular hay and straw distance tariff rates for the actual distances, on each line of railroad, which made the charges \$54.26 instead of \$102.40 per car. The railway company admitted that an error had been made, and promptly made refund of the overcharge.

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**Subject: Rate on Corn.**

Lohr Bros.,

vs.

Great Northern Railway Co.

Complainant shipped one car of corn in March, 1911, from Yankton, S. D., to Tampico, Montana, over the line of the Great Northern Railway Company, on which rate of 46 cents per cwt.

was assessed and paid, and alleged by complaint filed with this Commission, that the rate was excessive and unreasonable for the service rendered.

The shipment was interstate, and at the time of receipt of complaint, a very similar case was pending before the Interstate Commerce Commission, brought by this Board (Docket No. 3,873), on behalf of R. R. Black of Hinsdale, Montana, alleging as excessive rate of 46 cents per cwt. on corn from Sioux City, Iowa, to Hinsdale. The latter case was decided on May 6th, 1912, (Opinion No. 1,865), and held that the rate of 46 cents was unreasonable to the extent that it exceeded 38 cents per cwt. from Sioux City to Hinsdale, and accordingly, Yankton, S. D., being an intermediate point, the Sioux City rate should not be exceeded.

No formal complaint was filed in the Lohr Bros. case, but the Great Northern Railway Company was requested to make application to the I. C. C. for authority to apply the 38 cent rate and make reparation on that basis. Such authority was granted (Special Docket 25,315), and reparation made in the sum of \$48 to complainant, this representing the difference between the rate of 46 cents per cwt. as paid and the rate of 38 cents per cwt. as found by the Commission to be a reasonable rate for the service performed.

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#### **RATES ON COAL, BEARCREEK TO JOLIET.**

In February, 1913, it was brought to the attention of the Commission that the rate on coal from Bearcreek to Joliet, a distance of 53 miles, was \$1.35 per ton, being the same as to Red Lodge, the latter a station 26 miles south of Joliet, and the terminus of the Rocky Fork Branch of the Northern Pacific Railway; while from Bearcreek to Laurel, the rate on coal was \$1.05, the distance being practically the same as to Joliet.

It was complained to the Commission that Bearcreek coal would be used extensively at Joliet with a more reasonable freight rate, notwithstanding that the rate on this commodity from Red Lodge to Joliet was 60 cents per ton; the Bearcreek coal being considered of superior quality.

The matter was taken up informally with the Northern Pacific Railway Company, with the result that effective March

15th, 1913, a rate of \$1.05 per ton was established to Joliet, being the same rate as that in effect to Laurel.

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**Subject: Alleged Overcharge.**

J. J. Goergen,

vs.

Great Northern Railway Co.

Complainant shipped a car of emigrant movables and stock from Sioux City, Iowa, to Carter, Montana, in April, 1913, and complained that he had been overcharged by reason of the freight charges having been advanced at destination in the sum of \$94.40.

Upon investigation it was found that the car contained, in addition to the amount of feed allowed under the terms of Western Classification, 8,000 pounds of sacked oats, and accordingly, the carrier's inspector had assessed thereon, the less than carload rate. It was not found that the shipment had been overcharged.

There must be a limit placed on the quantity of grain loaded in a car taking the emigrant movables' rate, and this limit has been placed by the Classification, and also by tariff regulation. Otherwise, there would be nothing to prevent imposition on the carriers by shipping practically a car of grain, containing a few articles of household goods, so as to take advantage of the low tariff applying on settlers' effects.

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**RATES ON CORN.**

**Interstate Commerce Commission Docket No. 5272.**

This complaint brought by the Railroad Commission of Montana, in behalf of L. H. VanDyck Company of Gardiner, Montana, is referred to on pages 169 and 170, fifth annual report year ending November 30th, 1912, and alleged that the rate of 50 cents per cwt. on corn in carloads, from Missouri river common points to Gardiner, Montana, was excessive, unjust and discriminatory in violation of the Act to Regulate Commerce. This case was decided by the Interstate Commerce Commission May 12th, 1913, dismissing the proceeding. The Commission's report is as follows:



“BY THE COMMISSION:

The Board of Railroad Commissioners of the State of Montana, on behalf of the L. H. VanDyck Company, a corporation engaged in the butchering business at Gardiner, Montana, alleges that the rate of 50 cents per 100 pounds charged by defendants for the transportation of corn in carloads from Missouri river points to Gardiner, is unreasonable and unjustly discriminatory.

Gardiner is the terminus of a branch line of the Northern Pacific Railway extending from Livingston, Montana. Traffic from Sioux City, Omaha, and Kansas City to Gardiner moves over the Chicago, Burlington & Quincy Railroad to Billings, Montana, where it is delivered to the Northern Pacific. The movement of corn to Gardiner has amounted to but nine carloads in the past three years, all of which were for use of the Van Dyck Company in feeding hogs.

Complainant asks the establishment of a rate not exceeding 35 cents per 100 pounds, and in support of its contention shows that while the westbound rate on corn from Missouri river points to Gardiner is 50 cents per 100 pounds, the eastbound rate between the same points is only 35 cents, and, further, that a rate of 50 cents per 100 pounds applied from the Missouri river to Spokane and Seattle, Wash., involving hauls considerably longer than that to Gardiner.

Between Minneapolis, Minn., and Mandan, N. D., a distance of 451 miles, the Northern Pacific rate on corn is 16 cents per 100 pounds, which yields 7.09 mills per ton-mile, while the per ton-mile revenue earned by the same carrier on the 50-cent rate from Minneapolis to Gardiner, a distance of 1,062 miles, is 9.42 mills. The carrier accounts for the higher per-ton mile earning for the greater distance by claiming that the rate to Mandan reflects low state rates forced upon it in Minnesota.

From Omaha, Kansas City and Sioux City to Billings, the Chicago, Burlington & Quincy has rates on corn of 35 cents, 40.5 cents and 35 cents per 100 pounds, respectively, which earn per ton-mile 7.84 mills, 7.83 mills and 7.2 mills, respectively. The distance from

the same points to Gardiner, involving a two-line and a branch-line haul, and the per ton-mile earnings at the 50-cent rate are as follows: From Kansas City, 1,204 miles, per ton mile 8.3 mills; Omaha, 1,062 miles, per ton-mile, 9.42 mills, and Sioux City, 1,141 miles, per ton-mile, 8.76 mills.

The Northern Pacific denies the necessity for importing corn into Montana, and justifies the lower east-bound rates on grain and other agricultural products on the ground that they were established with a view of encouraging the development of agriculture in Montana by making rates which would enable Montana producers to ship their products to outside markets. Complainant agreed that such a policy was a reasonable one except as to corn, but gave no satisfactory explanation for making corn an exception. With reference to this feature of the complaint it may be said that the rate applied to traffic in one direction does not always or necessarily constitute the measure of the reasonableness of the rate to be applied on the same commodity in the opposite direction. The great movement of grain from the Missouri river and other grain markets and grain-producing sections is toward the more densely populated eastern states and the Atlantic seaboard.

A great volume of traffic in one direction may well excuse lower rates in that direction than are charged upon sporadic shipments in the opposite direction

Upon consideration of all the facts of record, it is our conclusion that the evidence fails to show that the rate complained of is unreasonable or unjustly discriminatory. An order dismissing the complaint will therefore be entered."

It will be noted that the Interstate Commerce Commission holds that the evidence fails to show that the rate complained of is unreasonable or unjustly discriminatory. We were convinced that the testimony of witnesses, together with a comparison of rates for similar service elsewhere, as submitted at the hearing, was amply sufficient to justify a rate much lower than 50 cents per cwt.

The record appears to show conclusively that corn is a commodity in demand in many sections of this State as a winter feed for sheep and hogs; that it is not raised, and apparently cannot be raised in Montana, and must therefore be imported. Testimony further shows that this cannot be done advantageously under the present rate of \$10.00 per ton. The carriers have repeatedly admitted that their empty car movement was west-bound, in the direction this business moves, the cars being hauled west for east-bound loading with grain and forest products. The rate on corn from Gardiner to the Missouri river points referred to is 35 cents per cwt., and as stated, the rate on corn in the opposite direction is 50 cents per cwt. The Commission has held that the density of traffic from Montana points to eastern terminals justifies the lower rate, and that this complaint has therefore not been sustained. We will not attempt to rehearse the testimony and briefs offered in this case, but apparently the rate on corn from the states where it is grown, to Montana and other points where it is not grown, but which offer a market, will not be reduced until the traffic into Montana equals or excels the out-bound business.

We anticipate that this Commission will be asked to again take the question up with the Interstate Commerce Commission, as it has been demonstrated that corn, particularly during severe winter weather, is unexcelled for hog and sheep sustenance. It can be purchased at a reasonable price in the corn states; it cannot be grown in Montana, and the rate of 50 cents per cwt., or \$10.00 per ton, prohibits its importation.

**OFFICE OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF MONTANA.**

ANACONDA COPPER MINING CO.

Claim against

BUTTE, ANACONDA & PACIFIC RAILWAY CO.

IN THE MATTER OF Adjusting Freight Charges on a Shipment of Wedges.

**Claim Numbers 7365 and 7438.**

**Montana R. C. Authorization No. 1061.**

Claimant seeks reparation in the sum of \$66.00, on one car-load of wedges originally shipped from Rocker to Brown, where the wedges were unloaded, and a portion (6,000 lbs.) hauled to the mines by team. Later the balance was re-loaded and moved to Southern Cross. The shipment moved in September, 1912.

Through oversight, the lumber tariff of the B. A. P. Ry. did not provide for the application of lumber rates on wedges, hence Class B rates were assessed. Subsequent to date of the shipment in question, the lumber tariff was amended to include wedges, and the application to make refund is based on this fact, which the carrier is willing to concede with the approval of the Commission.

**STATEMENTS OF THE CLAIMS.**

<b>As Billed:</b>		
Rocker to Brown, 36,000 lbs., at 15c .....	\$54.00	
Brown to Southern Cross, 36,000 lbs. at 11c .....	39.60	
Total charges paid .....		\$93.60
<b>As Corrected:</b>		
Rocker to Brown, 36,000 lbs., at 3½c .....	\$12.60	
Brown to Southern Cross, 30,000 lbs., at 5c .....	15.00	
Total as corrected .....		\$27.60
Overcharge .....		\$66.00

WHEREFORE, in view of all the facts submitted, and the freight charges having been paid as evinced by the presentation of the original expense bills, authority is hereby granted the said B. A. & P. Ry. Co. to make refund of the above specified amount, same being the difference between the freight charges as paid, and what they would have been under the amended tariff.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Dated, Helena, Montana, June 14th, 1913.

**SASH, DOORS, BLINDS, MOLDINGS, ETC.**

In March, 1913, the Great Northern Railway Company made application to the Commission for authority to publish certain commodity rates on sash, doors, blinds and moldings from Billings to various points including Lewistown, Montana. The application was not approved by the Commission for the reason that the proposed rates in some instances were higher than Class "E" plus 1 cent per cwt., which is the usual basis for making rates on these commodities; that is, lumber takes class "E" rate while sash, doors, etc., generally speaking, are rated 1 cent per cwt. higher.

The tariff of the Great Northern Railway Company containing the proposed rates was withdrawn, and in lieu thereof rate of 19c per cwt. made effective Billings to Lewistown, whereas commodity rate is per cancelled tariff was 24 cents.

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**Subject: Overcharge.**

Montana Brewing Company,

vs.

Great Northern Express Co.

This complaint alleged overcharge on one box of rubber tires from Los Angeles, California, to Great Falls. Upon investigation it was found that the shipment had been overcharged in the sum of \$2.40, refund of which was promptly made when brought to the attention of the express company.

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**Subject: Switching Charge.**

Pacific Coal Co, Butte, Montana,

vs.

Northern Pacific Ry. Co.

This complaint involved a switching charge on one car of coal which was found to have been pilfered. The car had been placed at complainant's coal sheds and was then discovered with one door open and a portion of the contents removed. To ascertain the extent of the loss, consignee requested the car re-weighed, for which a switching charge was assessed. Upon investigation it was found that there was no tariff authority for making a switching charge in a case of this kind, and the bill was cancelled.

**Subject: Overcharge.**

The Manhattan Company,

vs.

Great Northern Railway Co.

This complaint alleged that a shipment of alfalfa seed from Chinook to Manhattan had been overcharged. The service was performed by the Great Northern and Northern Pacific Railway Companies via Helena. Upon investigation it was found that the rate charged by the Northern Pacific was correct, but on the Great Northern a rate of 84 cents per cwt. could be figured by using the lowest combination; hence the shipment had been overcharged 8.03 cents per cwt. and on this basis refund was made to complainant.

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**Subject: Overcharge.**

John T. Murphy

vs.

Chicago, Milwaukee &amp; St. Paul Ry. Co.

Complainant is a resident of Helena, engaged in the stock business, and complained of an apparent overcharge on one car of cattle shipped from Sumatra to Ryegate, Montana, in June, 1913, on which charges had been assessed in the sum of \$39.00.

This was a 36-foot car, and according to defendant's tariff should take rate of \$30.00 between the points named. The overcharge was an error on the part of the defendant's agent, and refund was promptly made.

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**SHEEP SHIPPED INTO CANADA.**

On December 9th, 1912, a shipment consisting of 16 double deck carloads of sheep was made from Big Sandy, Montana, to Sweet Grass, Montana, final destination shown on billing, 11 cars, Bittern Lake, and the balance, Staveley, Alberta. The agent at point of origin used at of \$30.00 per car, which was advanced by the agent at Sweet Grass to \$42.85 per car, the former being the trainload rate, the latter single car rate.

Complaint was made alleging overcharge in that the shipment was entitled to the rate applicable on lots of 10 cars or more. In other words, it was claimed that there existed an overcharge of \$12.85 on each car. It is true that there was, at the time this shipment moved, a rate of \$30.00 from Big Sandy

to Sweet grass. Regulations governing this rate, however, provided that it would apply only on Montana intrastate business, and these cars being destined to points in Canada were not entitled to the \$30.00 rate, notwithstanding that they were billed locally between Montana points. The fact that the final destination was without this State, precludes the application of the lower, or trainload rate referred to.

We might add that there were no through rates from Montana points to destination in Canada on sheep, and it was found that reparation could not lawfully be made.

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#### RATES ON COAL, BEAR CREEK TO WYOMING POINTS.

The local mine operators in the Bear Creek field, located on the Montana, Wyoming & Southern Railroad in Carbon county, Montana, informally requested the Commission to assist them in marketing some of their product on the line of the Chicago, Burlington & Quincy Railroad as far south as Cody and Worland; that there was a demand for Bearcreek coal in that section, but on account of the business having to move over three lines of railroad, viz., Montana, Wyoming & Southern, the Northern Pacific and the C. B. & Q., the combination of freight rates prohibited their competing for the business; the rates from Bearcreek to Cody being \$2.25 per ton, and to Worland \$2.75.

The matter was handled by correspondence with the three lines of railroad interested, with the result that a through rate of \$2.20 to either point was placed in effect as of May 27th, 1913.

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#### Subject: Overcharge.

Montana State Law Library

vs.

Northern Pacific Railway Co.

This claim involved a shipment of books from Toronto, Ont., consigned to the Montana State Library at Helena, Montana, on which freight charges had been prepaid in the sum of \$8.10. Upon arrival at destination additional charges in the sum of \$9.00 were collected, making a total paid of \$17.10. Upon a thorough investigation it was found that the correct charges from point of origin through to destination, including transfers and custom inspection, were \$10.74, and refund of the overcharge was promptly made to claimant.

**OFFICE OF THE BOARD OF RAILROAD COMMISSION-  
ERS OF THE STATE OF MONTANA.**

ANACONDA COPPER MINING COMPANY

vs.

BIG BLACKFOOT RAILWAY COMPANY.

IN THE MATTER OF Adjusting Charges on Certain Cars  
Loaded With Logs.

Claim Nos. A. C. M. Co. 13,098, 13,099 and 14,000.

Montana R. C. Authorization No. 1107.

Claimant seeks reparation in sum of \$435.85 on account of certain cars of logs transported from Potomac to Bonner, on which charges were assessed and paid, under the terms of Big Blackfoot Railway Tariff P. C. L. 518-B, Mont. R. C. No. 131, which provides for a minimum of 6500 feet per car. On all the shipments involved in this claim the above minimum was applied at rate of \$1.35 per M. and settlement of freight charges made on that basis, which was correct in accordance with the published tariff then in effect.

The Chicago, Milwaukee & St. Paul Railway Company, of which the Big Blackfoot Railway Company is subsidiary, is agreeable to making the refund involved and requests the authority of this Commission to do so.

At the time logging operations were commenced in the vicinity of Potomac, claimant arranged with the railway company to furnish cars of certain dimensions, suitable for this business, and upon assumption that such equipment would be furnished, the minimum of 6500 feet was established. It seems, however, that it was not possible to furnish these special cars for the logs of shorter lengths, and consequently shippers were unable to load the cars furnished up to the required minimum. The condition continued throughout the months of December, 1911, January, February and March, 1912, during which time a total of 545 cars was loaded to less than the minimum herein provided, and for the difference between the charges based on actual weight and the charges as paid reparation is asked.

**STATEMENT OF CLAIM.**

Claim No.	As Charged.	As Corrected.	Over- charge.
13098—1,339,000 ft., at \$1.35..	\$1,808.68	1,235,110 ft., at \$1.35..	\$1,667.40—\$141.28
13099— 929,500 ft., at \$1.35..	1,255.54	859,160 ft., at \$1.35..	1,159.87— 95.67
14000—1,274,000 ft., at \$1.35..	1,720.88	1,127,390 ft., at \$1.35..	1,521.98— 198.90
<b>Total</b>	<b>\$4,785.10</b>	<b>\$4,349.25</b>	<b>\$435.85</b>



WHEREFORE, in view of all the facts submitted, and the freight charges having been paid, as evinced by documentary evidence presented, and the averment that the cars involved in this claim embrace all the shipments moving under similar circumstances, authority is hereby granted the Chicago, Milwaukee & St. Paul Railway Company, on behalf of the Big Blackfoot Railway Company, to make refund to claimant of the above specified amount.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Dated at Helena, Montana, August 22d, 1913.

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**BEFORE THE BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.**

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IN THE MATTER OF Switching Charges on Coal Shipments From Roundup, Montana, to Industries on Northern Pacific Tracks at Miles City.

Chicago, Milwaukee & St. Paul Railway Company File  
No. 3585-BM.

Montana R. C. Authorization No. 1129.

In May, 1911, the Chicago, Milwaukee & St. Paul Railway Company made application to the Commission for authority to absorb the Northern Pacific switching charge on coal from Roundup, consigned to Miles City Municipal Lighting Plant, located on Northern Pacific tracks at Miles City. It was necessary to notify the railway company that the proposed absorption would be a discrimination in favor of the city and against other receivers of Roundup coal at that station, and therefore the authority requested could not lawfully be granted.

The movement of coal from Roundup to Miles City Lighting Plant has continued, and the switching charges assessed by the Northern Pacific have been carried by the C. M. & St. P. Ry. Co. on its books as "uncollected." The only other consignee located on Northern Pacific tracks and receiving coal from Roundup is the Midland Coal & Lumber Company. The latter has paid the switching charges against them, and under date of July 29th, 1913, the C. M. & St. P. Ry. Co. made application to the Commission for authority to waive the uncollected and make refund of the switching charges paid on

all coal destined to Northern Pacific tracks at Miles City from May 24th, 1911, to May 13th, 1913, submitting with the application a statement showing all cars received during that period, and supported by an affidavit to the effect that the statement included all the cars of coal consigned to the Miles City Lighting Plant and to the Midland Coal & Lumber Company, and that there were no other shipments involved whatsoever.

WHEREFORE, in view of all the facts submitted and the sworn statement of the C. M. & St. P. Ry. Co., to the effect that the data submitted to the Commission embrace all of the shipments moving under similar circumstances, and the charges having actually been paid by the Midland Coal & Lumber Company, authority is hereby granted the said railway company to cancel the charges against the Miles City Lighting Plant, amounting to One Thousand Two Hundred Seventy (\$1,270.00) Dollars, and make refund to the Midland Coal & Lumber Company in the sum of Five Hundred Eighty-eight and 63-100 (\$588.63) Dollars.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Dated Helena, Montana, September 15, 1913.

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**Subject: Alleged Overcharge.**

Thos. S. Hunt,

vs.

Great Northern Railway Co.

Complainant is engaged in the seed business at Broadview, Montana, and complained that he had ordered a car from the defendant's agent at Broadview, stating that he had about 30,000 pounds of wheat to be shipped to Billings; that the car furnished him was of 60,000 pounds capacity, taking a minimum of 54,000 pounds, at which weight the shipment was billed, and charges assessed accordingly; whereas the actual net weight was but 36,260 pounds.

The investigation developed that this was a case where the carrier had furnished a larger car than that ordered, at his own convenience, and, therefore, reparation was made based on the excess weight of 17,740 pounds at 9 cents per cwt.

**Subject: Overcharge.**  
**The Ranchman's Supply Co**  
**vs.**

Great Northern Railway Company.

Complainant is engaged in general merchandise business at Terry, Montana, and complained to the Commission on July 11th, 1913, that a shipment consisting of a traction engine and outfit had been overcharged, and that the railway company had apparently taken no action toward making refund. The papers in this claim were not submitted to the Commission, reference simply being given to claim number. The attention of the claim department was called to the matter, and on August 26th draft for the full amount was received. As stated, we had not seen the papers in this claim, and do not know in just what way the overcharge was made. Complainant, however, advises that the reparation is entirely satisfactory.

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**OFFICE OF THE BOARD OF RAILROAD COMMISSIONERS OF THE STATE OF MONTANA.**

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C. McDaniels

vs.

Chicago, Milwaukee & St. Paul Ry. Co.  
**IN THE MATTER OF** Adjusting Charges on Twenty Cars  
of Sheep.

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**C. M. & St. P. Ry. Co. File No. 2767-BM.**  
**Montana R. C. Authorization No. 1110.**

Claimant seeks reparation in the sum of forty dollars on account of certain cars of sheep transported from Ringling, Montana, to Harlowton, Montana, on which charges were assessed and paid at rate of \$24.00 per car. There are no facilities on the tracks of the C. M. & St. P. Ry. at Ringling for loading sheep and the twenty cars involved in this claim were loaded at the stockyards of the White Sulphur Springs & Yellowstone Park Ry. Co. at Ringling, and the service performed by that company consisted merely of moving the cars from its stockyards to the C. M. & St. P. connections, a distance of a few hundred feet, and all of the cars were billed at the Dorsey rate of \$24.00, which is the first station beyond

Ringling on the W. S. S. & Y. P. Ry.

The Chicago, Milwaukee & St. Paul Ry. Co. is agreeable to applying the Ringling rate of \$22.00 per car, and has made application to the Commission for its order to do so, compensating the White Sulphur Springs line for that portion of the service rendered by it.

#### Statement of the Claim.

Car. No.	Way-Bill No.	Date.	Freight Charges Paid.
100020	56	10-12-12	\$24.00
100150	57	10-12-12	24.00
10743	54	10-12-12	24.00
10311	52	10-12-12	24.00
100201	53	10-12-12	24.00
2867	49	10-12-12	24.00
9649	47	10-12-12	24.00
10671	50	10-12-12	24.00
100143	51	10-12-12	24.00
10923	45	10-12-12	24.00
2931	44	10-12-12	24.00
9087	43	10-12-12	24.00
100054	46	10-12-12	24.00
9823	48	10-12-12	24.00
10425	55	10-12-12	24.00
11467	61	10-12-12	24.00
12769	62	10-12-12	24.00
100177	58	10-12-12	24.00
100129	59	10-12-12	24.00
101406	60	10-12-12	24.00

WHEREFOR, In view of all the facts submitted and on file and the freight charges having been paid, as evinced by presentation of the paid expense bills, authority is hereby granted the Chicago, Milwaukee & St. Paul Railway Company to make refund to claimant in the sum of forty dollars, said amount being the difference between the rate from Dorsey to Harlowton and the rate from Ringling to Harlowton, viz., two dollars per car.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Dated at Helena, Montana, September 23, 1913.

OFFICE OF THE BOARD OF RAILROAD COMMISSION-  
ERS OF THE STATE OF MONTANA.

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John F. Claussen

vs.

Chicago, Milwaukee & St. Paul Ry. Co.

IN THE MATTER OF Adjusting Charges on Certain Cars  
Loaded With Stulls.

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C. M. & St. P. Ry. Co. File 2628-BM.

Montana R. C. Authorization No. 1137.

Claimant seeks reparation in the sum of \$347.36 on account of certain cars of stulls transported from Claussen's Spur to Butte, between October 11, 1911, and March 12, 1912, on which rate of 10 cents per cwt. was assessed and paid, whereas a rate of 8 cents per cwt. was authorized by the Commission and became effective April 20th, 1912.

The railway company made application to the Commission for authority to refund two cents per cwt., stating that an arrangement had been made with Mr. Claussen for the construction of a spur from which to handle these mining stulls at rate of eight cents per cwt. thence to Butte, but that the movement commenced in October, 1911, and the rate of 10 cents per cwt. had been applied up to April 20, 1912, in accordance with the published tariff then in effect; and upon the sworn statement of the carrier's representative that the freight charges have actually been paid by claimant and the averment that the cars involved in this claim embraces all movements of stulls between said points during the period in question, authority is hereby granted the Chicago, Milwaukee & St. Paul Railway Company to make refund to the above named claimant in the sum of \$374.36.

BOARD OF RAILROAD COMMISSIONERS  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Helena, Montana, October 6th, 1913.

**Subject: Overcharge on Coke.**  
Choteau Light & Power Company  
vs.

Great Northern Railway Company.

Complaint was presented to the Commission alleging overcharge on six cars of coke shipped from Helena to Collins, Montana, on which class "B" rate of 20 cents per cwt. was assessed and paid. Upon investigation it was found that a lower rate could be figured by using the combination of local rates based on Great Falls, to which point there was in effect at the time the shipments in question moved, a commodity rate of \$2.00 per ton, minimum 40,000 pounds, which, plus class "D" rate of 9 cents per cwt. thence to Collins, minimum 30,000 pounds, would figure on the six cars involved, charges amounting to \$549.09, as against \$585.10 paid. Claim was presented to the railway company and refund of the difference, viz., \$36.01, was promptly made.

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**Subject: Overcharge.**  
H. E. Borreson  
vs.

Great Northern Railway Co.

Complainant made a shipment in April, 1913, from Nome, N. Dakota, to Homestead, Montana, consisting of household goods and one motorcycle, on which \$81.05 freight charges were prepaid, and an additional \$21.55 assessed and collected at destination. Upon investigation it was found that the correct charges on the shipment should have been \$74.97, and accordingly refund was made to complainant of \$27.63. It also developed that \$75.00 prepaid on the shipment of household goods, in some manner became transposed and read at destination \$57.00. The balance of the overcharge was on account of the erroneous classification applied on the motorcycle.

**COAL RATES FROM SHERIDAN, WYOMING, TO STATIONS ON NORTHERN PACIFIC RAILWAY IN MONTANA, IDAHO, WASHINGTON, ETC.**

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I. C. C. Docket No. 5078.

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SHERIDAN CHAMBER OF COMMERCE

vs.

CHICAGO, BURLINGTON & QUINCY R. R. CO., ET AL.

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BOARD OF RAILROAD COMMISSIONERS of the State of Montana Intervenor on Behalf of Bear Creek Coal Mine Operators.

On April 15, 1913, the Interstate Commerce Commission in its opinion and order, reported in Volume 26, Interstate Commerce Commission Reports, page 638, concluded that the rates on soft coal, carloads, from Sheridan, Wyoming, to stations on the Northern Pacific Railway in Montana, Idaho, Washington, Oregon, and also North Dakota, should be adjusted on basis of a differential of 25 cents higher than the rates from Red Lodge, Montana, located on the line of the Northern Pacific, such figure to apply to all points of destination in the state indicated, within distance of 500 miles of Sheridan. As the distances to points of destination increased, the differential, as between the rates from Sheridan and Red Lodge, was to be contracted so as not to exceed 15 cents per ton to points of destination between 500 and 600 miles distant from Sheridan; and not to exceed 5 cents per ton to points between 600 and 700 miles distant from Sheridan; to all points of destination distant over 700 miles from Sheridan and rates were to be the same as published by the Northern Pacific from Red Lodge.

The decision of the Interstate Commerce Commission, in accordance with the above, was promulgated after they had held hearings and had heard extensive arguments presented by the Sheridan Chamber of Commerce, which apparently convinced that board of the discriminatory adjustment of rates from Sheridan to Montana and other states.

This Commission did not have information at hand at the time of the hearings in question, indicating that any re-adjustment would be made from Sheridan that would in any wise

jeopardize the interests of the producers of coal located within the State of Montana.

In accordance with the usual practice of this Commission, when the decision of the Interstate Commerce Commission with reference to the above was received, it was carefully checked and considered by the board. The conclusion was arrived at that the proposed adjustment of rates from Sheridan would give that field relief in the matter of rates to an extent to which they were not entitled as against the operators in Montana. The view seemed to have been held and argued by the interests at Sheridan, Wyoming, that this Commission, when it re-adjusted rates on coal from the various fields in Montana to Montana points of destination, had in view, or at least did discriminate against coal producers. This Commission, feeling that its duty was to afford ample protection to the Montana producers, in that they might have rates adjusted on a relatively fair competitive basis as against outside fields, petitioned the Interstate Commerce Commission at once to re-open the entire case for the purpose of hearing testimony from this Commission and from the operators of the Bear Creek field, so as to have the Interstate Commerce Commission fully informed of the conditions with reference to the Montana fields.

In accordance with the petition from this board, the interstate Commerce Commission granted a re-hearing for the purpose of listening to the testimony of the Bear Creek operators, and such hearing was held at Omaha, Neb., July 14, 15 and 16, 1913. A great volume of testimony was offered at that time by the Bear Creek coal operators, tending to show that in case the proposed re-adjustment of rates from Sheridan actually became effective it meant the closing down of the mines at Bear Creek.

The testimony further indicated the enormous investments made in these fields, the much greater cost of production as against Wyoming coal, and many comparisons were introduced, indicating that the proposed rates from Sheridan would be much lower than any rates for like hauls within the State of Montana, or in other western states. Subsequent to this hearing this Commission filed with the Interstate Commerce Commission an elaborate brief, fully outlining the history of the Montana coal rates and the disastrous effects that would



ensue with the promulgation of the proposed rates from Sheridan.

On October 6, 1913, the Interstate Commerce Commission unanimously agreed to a reversal of the decision of April 15th, and concluded as follows :

“That for distances within 500 miles of the point of origin (Sheridan, Wyoming), rates should be established from Sheridan to points on the Northern Pacific Railway east of Billings on a basis of not more than 40 cents over rates prevailing from Red Lodge, Montana; and to points west of Billings, 55 cents per ton over Red Lodge; from Kirby, Wyoming, to points on the Northern Pacific east and west of Billings, that joint rates should be established on a basis of not more than 65 cents per ton over the prevailing rates from Red Lodge; that to points between 500 and 600 miles from Sheridan, the differentials suggested, as compared with rates from Red Lodge, should be decreased 10 cents, and for each 100 miles additional haul a further reduction of 10 cents should be made in such differential.”

As a result, therefore, of the efforts of this Commission, the original order of the Interstate Commerce Commission, with reference to Sheridan coal rates, was withdrawn and in lieu thereof there was substituted an order that would permit of the Bear Creek coal operators remaining in business and fairly and properly compete with outside coal. Had the original order of the Interstate Commerce Commission taken effect, this board is satisfied that the result would have been disastrous to the Montana producers of coal. In view of the final decision of the Interstate Board it is now felt that the Montana coal operators should be in a position to compete with all outside fields, and that the result should be a healthy and rapid development of the coal industry in Montana.

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## PART III.

### TRAIN ACCIDENTS AND PERSONAL INJURIES

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## TRAIN ACCIDENTS AND PERSONAL INJURIES.

During the past year, the Commission has been notified of and has investigated either on the ground at the scene of the accident, when practicable to do so, or from testimony of witnesses, depending upon the nature of the casualty, the following train accidents, involving loss of life or personal injury to the extent that the services of a physician were required, in accordance with Section 16-a, Chapter 37, Laws of 1907:

OCTOBER 1st, 1912 TO SEPTEMBER 30th, 1913.				
Road.	Employees.		Other Than Employees.	
	Killed.	Injured.	Killed.	Injured.
Northern Pacific Ry. ....	7	236	19	89
Great Northern Ry. ....	19	309	16	72
C. M. & St. P. Ry. ....	11	157	10	17
B. A. & P. Ry. ....	2	22	4	17
O. S. L. R. R. ....	2	9	1	7
C. B. & Q. R. R. ....	1	4	1	0
Montana Western Ry. ....	..	..	..	..
M. W. & S. R. R. ....	0	0	1	0
Gilmore & Pitts. R. R. ....	..	..	..	..
W. S. S. & Y. P. Ry. ....	0	1	0	0
Big Blackfoot Ry. ....	..	..	..	..
Gallatin Valley Ry. ....	0	8	0	0
Total .....	42	746	52	202

A brief review of the more important accidents follows.

### Great Northern Railway—Montana Division.

At about 7:34 A. M., November 10th, 1912, east-bound passenger train No. 232 collided with the rear end of extra 2011 east, about three miles east of Ethridge, Montana, on the main line of the Great Northern Railway, slightly injuring one passenger and two employees.

The extra had broken in two, caused by locking block working up and releasing knuckle. A heavy fog at the time obstructed the view for more than a few car lengths. Investigation shows that the flagman who went back to protect the rear end of the extra east, was not out the required distance, and train No. 232 being a little late, was running faster than its schedule time, and was unable to stop in the short distance between the flagman and the caboose. The cause of this accident is directly attributable to improper flagging, but it would have been avoided had trains been operated in a positive block, which would have prevented No. 232, even though a passenger train, from entering the block until the extra had reported into clear. There is no block system in use on that portion of the Great Northern.

**Great Northern Railway—Butte Division.**

East-bound passenger train No. 44 and west-bound passenger train No. 43 collided head-on at 1:50 P. M., December 6th, 1912, two miles east of Gerber Junction, resulting in injury to twenty-one persons, sixteen of whom were passengers, and estimated damage to railway company's property in the sum of \$2,270.00.

The order to train No. 43, making a meeting point with train No. 44 at Swift, was put out to train No. 43 at Belt, but the operator in copying it, addressed the order to train No. 44 in error and so repeated it back to the dispatcher. When No. 43 arrived at Belt, it was given a clearance without orders and met No. 44 on the main line as above.

When these two trains are on time, their meeting point is at Spionkop. The investigation showed that of late these trains have been meeting at some point east of Belt and the meet order has been put out to No. 44 at Belt; it is in this manner that the operator explains his error in addressing the order in this case to train No. 44 instead of No. 43.

This collision is directly attributable to human fallability, and were it the practice of the Great Northern Railway to operate its trains in a positive block, this accident would not have happened, as train No. 43 could not have left Belt until the Block had been cleared, notwithstanding the fact that both the dispatcher and operator overlooked their hand; but there was no block system in use on that portion of the Great Northern Railway at the time of this accident.

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**Great Northern Railway—Butte Division.**

Extra 1134 west collided with the rear end of Extra 765 west about two miles east of Great Falls at about 7:30 P. M., December 13th, 1912, resulting in personal injury to five employes and destruction of railway company's property estimated at \$3,827.00.

Extra 765 west was a coal train consisting of 65 loads, and left Gerber Junction at 6:50 P. M. Extra 1134 west with 28 loads left Gerber Junction at 7:10 P. M., or twenty minutes behind the first extra. On that district of the Great Northern Railway, the system is to "Space trains ten minutes apart." The first train above referred to, having full tonnage, was run-

ning not to exceed 15 miles per hour. The train following with but 28 loads, was making much faster time. Investigation shows speed to have been between 30 and 35 miles per hour, and when Extra 765 had disappeared around a 3 degree curve, the following train was so close that when the danger was discovered there was insufficient time to avoid collision.

The "Time Block" has demonstrated repeatedly that it is inefficient, and affords practically no additional protection. Had these trains been operated in a positive block, the accident would not have happened, as Extra 1134 would not have been permitted to leave Gerber Junction until Extra 765 had reported into clear at Great Falls.

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#### **Great Northern Railway—Butte Division.**

At about 6:25 P. M., December 22d, 1912, train extra 200 east, collided head-on with west-bound freight train No. 433, just west of Box Elder.

Train No. 433 had orders to run four hours and thirty minutes late. Pacific Junction to Benton. It is due at Box Elder 1:55 P. M., and under this order its time at Box Elder was 6:25 P. M. Investigation showed that the extra was occupying the main line on the time of a superior train, and this was the direct result of this collision. It would have been avoided however, had the trains been operated in a positive block.

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#### **Butte, Anaconda & Pacific Railway.**

East-bound passenger train B. A. & P. No. 6 collided with the rear end of the C. M. & P. S. extra No. 9511 east, at west end of Silver Bow yard, at 3:45 P. M., December 25th, 1912, resulting in injury to 11 passengers and four employes, total persons injured, 15. Railway company's property damaged and destroyed estimated at \$1,956.00.

Between Cliff Junction and Colorado Junction, a distance of approximately 14 miles, the C. M. & P. S. Ry. Co. uses the tracks of the B. A. & P. The C. M. & P. S. extra arrived at Silver Bow 3:25 P. M. and was unable to enter the yard on account of a B. A. & P. freight train ahead. Flagman started back to portect the hind end, and had only gotten a short distance away, when his train started to pull ahead. He returned, and after the train had moved up a few hundred feet,

again stopped. Flagman claims to have started back a second time, but had only gone out a few car lengths, when he saw train No. 6 approaching around a curve. Train No. 6 was on time, and this extra was occupying the main track without protection. The collision was the result of improper flagging (violation of rules), but would have been prevented had block system been in operation, as train No. 6, notwithstanding that it is a first-class train, could not have entered the block at Durant until the extra had reported into clear at Silver Bow. There is, however, no block system in use on that portion of the B. A. & P. Ry.

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#### **Great Northern Railway—Montana Division.**

Extra 1637 east collided with the rear end of extra 2016 east, just west of Devon at about 9:10 P. M., December 28th, 1912, resulting to personal injury to two employees.

Extra 2016 east arrived at Devon at 8:30 P. M., and the attention of the crew was directed to packing a hot box, twenty-first car from the rear. After this train had been standing still about forty minutes, flagman started back, but had only proceeded about ten telegraph poles, when extra 1637 approached, and the collision followed.

This accident was directly caused by failure on the part of extra 2016 to properly protect the rear end, but accident would not have happened had trains been operated in a positive block, as extra 1637 would not have been permitted to enter the block in the rear until the other train had passed into the next block in advance.

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#### **Chicago, Milwaukee & St. Paul Railway—Rocky Mountain Division.**

Work extra 5531 east collided with the rear end of east-bound freight train No. 164, one and one-half miles east of Oka, on the Lewistown Branch of the Chicago, Milwaukee & St. Paul Railway, 7:30 P. M., December 30th, 1912, slightly injuring a passenger who was riding in the caboose.

Train No. 164 derailed two cars at the point where the collision occurred, and extra 5531, a relief train, was sent to assist in re-railing these two cars. The relief train was flagged at Oka, but the flagman, instead of riding on the engine, and

safely piloting the train to the point of derailment, rode in the caboose. The engineer misjudged the distance, and when the danger was discovered, was too close to bring his train to a stop before the collision resulted.

This collision was caused by failure to exercise good judgment on the part of the flagman, and also failure on the part of the engineer to have his train under control, knowing that he must be very close to the scene of the accident.

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#### **Great Northern Railway—Kalispell Division.**

Extra 1806 east, and 4th section train No. 683 collided head-on at Glacier Park at about 6:20 P. M., February 18th, 1913; one employe injured, property damaged and destroyed to the extent of \$2,510.00.

Fourth section No. 683 was the first train to arrive at Glacier Park, and there received an order to meet extra 1806 east at that station. The conductor decided that he would do his switching under protection of a flag, and accordingly instructed his flagman to go west a safe distance and flag the extra east. This flagman was not provided with fusees, and after he had been gone about ten minutes, fourth No. 683 proceeded to do its work and pulled over the west switch several car lengths, thus reducing the distance between the engine and the flagman to within about thirty car lengths. The engineer on extra 1806 testified that when he saw the flagman he had just released from service application and was unable to bring his train to a full stop before the collision happened.

From investigation we are of the opinion that the crew of fourth No. 683 exercised poor judgment in attempting to do its work in this manner—sacrificing safety to save time. Flagging must be resorted to in emergencies, but the practice does not afford sufficient protection to commend its use in cases of this kind. The attending results in this instance would seem to bear out our conclusions that such methods are unsafe.

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#### **Chicago, Milwaukee & St. Paul Railway—Musselshell Division.**

Extra 5036 east collided head-on with extra 5607 west between switches at Burgoyne, about 3:48 A. M., February 25th, 1913, resulting in injury to three employees, and damage to property estimated at \$6,500.00.

The east-bound train received an order at Harlowton and the west-bound train at Roundup, to meet at Burgoyne. Said order instructed the extra east to take siding. Under transportation rules, east-bound trains have right over west-bound trains of the same class, and the fact that the engineer of the extra east had been in the habit of holding the main line against west-bound extras, caused him to overlook that portion of the order instructing his train to take siding. He admits that he was aware that this order so instructed, but he forgot about it, and instead of heading in at the west switch, he pulled down the main line, colliding with the west-bound train standing between switches, with the above results.

The investigation developed that the headlight on engine 5607 was not burning, and it was the intention to borrow a carbon from engine 5036, which in a measure was, no doubt, responsible for the accident. It would not have happened, however, had not the engineer east-bound overlooked a portion of his order.

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#### Great Northern Railway—Montana Division.

West-bound passenger train No. 3 collided with rear end of extra 1573 west, about one-half mile east of Wiota, 10:55 P. M., March 5th, 1913, resulting in injury to five employees and damage to railway company's property estimated at \$1,250.

The investigation of this accident shows that extra 1573 west was occupying the main line at Wiota on the time of west-bound passenger train No. 3, and also east-bound passenger train No. 4, which were to meet at that station, and in attempting to clear the main line, backed up over the east switch the length of its train, in order to head in, and in doing so reduced the distance between the flagman who had gone out to flag No. 3, and the caboose, to only a few car lengths. The engineer on train No. 3 was unable to bring his train to a full stop after the danger was discovered.

There is no block system in operation on that portion of the Great Northern Railway, and by its use this accident would have been prevented, as the freight train (extra west) would not have been permitted to back over the east switch while the block was occupied as it was in this case, by train No. 3. The worst that could have happened would have been to cause a few minutes' delay, which undoubtedly would have been preferable.



**Chicago, Milwaukee & St. Paul Railway—Missoula Division.**

West-bound freight train No. 75 collided head-on with east-bound freight train No. 76 about one mile east of Haskell, at 3:15 A. M., March 22d, 1913, resulting in injury to six train and enginemen, and destruction of railway company's property estimated at \$5,300.

The order making a meeting point between these two trains at Haskell, was put out to train No. 76 at Drummond, and to train No. 75 at Deer Lodge. The investigation shows that the rear brakeman on No. 76 signed the order for the conductor, to whom he delivered one copy, and the other to the engineer. The engineer did not read the order aloud as required by transportation rules, the brakeman simply remarking as he handed a copy to the engineer, "We meet No. 75 at Haskell." The rear end of train No. 76 had passed the east switch at Haskell before the conductor and brakeman noticed that the engineer had run by the meeting point, whereupon the train was stopped by opening the conductor's emergency valve, and almost simultaneously the collision followed.

The engineer on train No. 76 said that he understood the order, and knew that he was to meet No. 75 at Haskell, but his engine was leaking steam, and he did not see the switch lights when he passed them.

Transportation rules require the conductor to personally deliver orders to the engineer, and also provide that the latter shall read the orders aloud in the presence of the conductor to insure a complete understanding. These rules were violated when the brakeman signed the conductor's name and delivered a copy of the order to the engineer. Furthermore, the order was not read aloud by the engineer after receiving it. However, the engineer seems to have understood clearly that he was to meet the opposing train at Haskell, and we are again forced to the conclusion that the only adequate means of preventing accidents of this kind is the use of positive block system, under the operation of which train No. 76 could not have passed Haskell while the block in advance was occupied, as it was in this case.

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**Great Northern Railway—Butte Division.**

Engine No. 97, in switching service, 3:15 A. M., July 9th, 1913, collided with a string of empty cars on the "High Line,"

leading to the Boston Montana Smelter about two miles east of Great Falls, resulting fatally to Fireman Earl McGuire, and injury to Engineer A. J. Harper.

This same switching crew placed twenty empty cars on the "High Line" about 2:00 A. M.; then returned to the smelter yards and picked up seven more cars, intending to consolidate these with the first twenty and return to Great Falls. The engineer, however, seems to have entirely forgotten about the cars he had set out an hour before. The speed at the time of the collision was about 10 or 12 miles per hour. The force of the impact derailed the engine, which turned over and rolled down an embankment. The fireman was caught under the engine in such a manner as to prevent his being rescued.

This accident was wholly the result of the engineer's overlooking the fact that the line was not clear, which he knew to be the case. He and his fireman had been on duty eight hours and 12 minutes when the collision occurred, and had had 12 hours and 30 minutes rest prior to going on duty.

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#### Great Northern Railway—Montana Division.

Freight extra 3046, east, derailed 18 cars one and one-half miles west of Telstad, at 5:15 P. M., July 9, 1913, killing two unknown men who were beating their way, and resulting in destruction of railway company's property estimated at \$10,000. The two unknown men were riding in a car of lumber. One was instantly crushed to death and the other so seriously injured that he died soon after arriving at Havre. Both bodies were turned over to the county authorities for burial. These two men were apparently about 27 and 21 years of age. No one who viewed the remains had ever seen either of them before.

The accident was caused by a broken wheel on C. & E. I. car No. 87,242. Train was running about 30 miles per hour at the time of derailment.

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#### Great Northern Railway—Kalispell Division.

Train No. 27, known as the "Fast Mail," was derailed one mile west of Rockhill at 11:17 A. M., July 28th, 1913, killing the engineer and fireman instantly; railway company's property damaged or destroyed to the extent of \$3,650.00. Engine turned over outside of the elevated rail. C. B. & Q. express car 1360

piled up on top of engine tank, while Great Northern express car 1699 lay ahead of the engine.

Train No. 27 is scheduled over the district from Cut Bank to Whitefish, a distance of 128.55 miles, at an average speed of 32.8 miles per hours. On the date in question this train had orders to run 45 minutes late, Cut Bank to Whitefish. The investigation shows that it left Summit at 10:15 A. M.; Fielding, 10:25 A. M.; Java, 10:36 A. M.; Essex, 10:47 A. M.; Nyack, 11:08 A. M., and was derailed at 11:17 A. M., as indicated by the dead engineer's watch, which had stopped at that time. The distance from Summit to the wreck is 40.25 miles, and, as will be noted, the running time was 62 minutes, practically 40 miles per hour. The derailment occurred in a cut on a ten degree curve; elevation  $3\frac{1}{8}$  inches. The train crew states that the engineer had applied the airbrakes just before striking this curve. There was no indication of anything dragging, and it would seem as though the speed exceeded the elevation for a curve of that degree. All wheels were found to be in good condition.

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#### Chicago, Milwaukee & St. Paul Railway—Musselshell Division.

At 9:43 P. M., August 14th, 1913, C. M. & St. P. engine No. 5015 exploded about one mile east of Burgoyne, killing the conductor and engineer, and severely injuring the fireman and head brakeman. Railway company's property damaged or destroyed to the extent of \$5,487.00.

At the time of the explosion, this engine was pulling a train consisting of 43 loaded cars, 4 coaches of laborers and the caboose—1740 tons; speed between 20 and 25 miles per hour on an ascending grade of three-tenths of one per cent.

This engine had a general overhauling and was taken out of the Miles City shops January 31st, 1913. The engine was equipped with two No. 11 simplex lifting injectors, both located on the right side—one inside, and the other on the outside of the cab. Each injector was equipped with an intermediate check, and discharged into the same branch pipe through the same boiler check into the boiler. It was also equipped with one 3-inch Consolidated and two  $2\frac{1}{2}$ -inch Richardson pops; three gauge cocks, water glass and steam gauge. The boiler check had a 3-8 inch lift. Steam pressure carried, 200 pounds;

lowest reading of the water glass from the highest point of the crown sheet was six inches; lowest reading of gauge cocks from the highest point of the crown sheet was  $5\frac{3}{4}$  inches. Pitch of the crown sheet 2 inches. The gauge cocks, water glass and water glass cocks, pops, boiler check, intermediate checks and steam gauge and the two injectors were removed and tested with the following results:

The steam gauge was found to be seven pounds light. The gauge cocks, water glass and water glass cocks, boiler check and intermediate checks were found to be without any scale, open and in good condition. The three safety valves and the two injectors were tested on another engine with the result that the first safety valve opened at 195 pounds, the second at 200 pounds and the third at 212 pounds. The outside injector worked O. K.; the inside one did not prime readily, and did not take up all of the water, although the tank was full, and with steam pressure of 185 pounds. Fusible plugs were not used. This engine took water about one hour before the accident, and had 18 inches in the tank at the time of the explosion.

The latest monthly inspection of this engine was made on August 6th, 1913, at which time nine broken stay-bolts were renewed. The boiler was washed out on August 9th, 11th and 13th. Between July 4th and August 11th, this engine had frequently been reported "Something wrong with the water glass," and as frequently O. K'd. by the houndhouse foreman, but the cause of the water glass not registering correctly was evidently not located.

A test was made of the fountain dry-pipe by filling it with water and using 35 pounds of air pressure. This test developed a 3-inch crack in the elbow six inches below the fountain connection. To determine what effect this crack would have upon the operation of the water glass and injectors, a dry-pipe was taken out of the boiler and placed in the boiler of another engine of the same class, equipped with the gauge cocks, water glass and fittings from the exploded engine No. 5015.

A test was made on August 24, from Miles City to Carterville and return, with the result that both injections were necessary to maintain the water supply in the boiler, for the reason that the injector was being supplied with saturated instead of dry steam, the former not having the lifting power.

As stated above, this class of power has but one branch pipe, and one boiler check with two injectors, two tank valves and two hose connections, and it would seem that injectors equipped in this manner will at times work through the line or intermediate check back into the tank, or discharge a great deal of the water through the overflow. Again, when the boiler check leaks, it affects both of the injectors.

The investigation would indicate that on account of the condition of the water glass, it was necessary to operate the engine by using the gauge cocks, registering water considerably higher in the boiler, for the reason that the water climbs the sheet. This test developed that with but one gauge of water in the glass the gauge cocks registered three. This condition, coupled with the possibility of the injectors throwing the water back into the tank, evidently lead the engineer to believe that he had plenty of water in the boiler, whereas the water was low as shown by an examination of the crown sheet, which failed from overheating.

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#### **Chicago, Milwaukee & St. Paul Railway—Rocky Mountain Division.**

At about 5:45 P. M., September 4th, 1913, west-bound freight train No. 73 collided with work extra No. 8511, 1.7 miles west of Penfield, Montana, on the west slope of Butte mountain in a deep cut and on a curve of eight degrees, resulting in the death of two employees and more or less injuring 11 track laborers who were riding in an open car which was being pushed ahead of the engine of the work train up the hill.

This accident happened in electric automatic block territory, the work train having "right over" all trains. The investigation developed that freight train No. 73 attempted to flag through the limits of the work train, but on account of the heavy curvature, the view was obstructed at practically all times, while on the other hand, the work train moving eastward, disregarded the block signal at danger, occasioned by the block being occupied by west-bound train No. 73, and proceeded on its rights conferred by train order. It is true that the work train had the exclusive right to that piece of track at the time the collision occurred, but at the same time its rights conferred by train order did not justify it in disregarding the block signal at danger.

The electric automatic block signals are for the purpose of affording **additional safety** and notwithstanding that a train may have the right to proceed under its train orders, it has not the right, of course, to enter a block which the signals indicate is already occupied. Poor judgment was exercised by train No. 73 in attempting to "flag," and this, together with violation of rules by the work extra, resulted in this accident.

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#### **Great Northern Railway—Butte Division.**

Two and one-half miles east of Ulm, passenger extra 1090 east, struck the rear end of freight extra 1839 east at 8:25 A. M., October 5th, 1913, instantly killing the conductor and brakeman, who were in the caboose of extra 1839. At the time this accident happened it was storming and the weather conditions were somewhat obscure. The passenger extra was running at a speed of about 30 miles per hour, while the freight extra was moving at about ten miles per hour, when they struck.

Extra 1839 left Cascade, the first telegraph station west of the point of accident at 6:25 A. M., extra 1090 left Cascade at 7:48 A. M., or one hour 23 minutes later. The distance from Cascade is about 17.1 miles, which distance the passenger train covered, as will be noted, in 37 minutes. Extra 1839 was making about the usual speed of freight trains in that district. Extra 1839 had no orders regarding extra 1090. The latter was not running on schedule and extra 1839 had no instructions to let this train by at Riverdale or Ulm, both of which are blind sidings east of Cascade, and are intermediate with the point where the collision occurred.

The investigation of this accident indicates it might have been averted by blocking extra 1090 behind extra 1839; by running extra 1090 on a schedule order; or by the dispatcher giving these trains an order to let extra 1090 pass at either Riverdale or Ulm, whichever station might be the more convenient point.

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#### **Chicago, Milwaukee & St. Paul Railway—Musselshell Division.**

At 9:30 A. M., October 8th, 1913, about one mile west of Ingomar, Montana, east-bound passenger train No. 18 was derailed, resulting in injury to thirty-four persons and destruction

of railway company's property estimated at \$14,000. Fortunately there were no fatalities.

The derailment occurred on straight track laid with 85-pound steel, well tied and ballasted with gravel. The train consisted of nine cars, including a refrigerator car which was next to the engine, and a head-head coach on the rear. The balance of the train was of steel construction. The mail, baggage and first day coach and the east end of the second day coach, were thrown down a 15-foot embankment and turned over on their sides. The speed at the time of the accident was about 50 miles per hour. A careful examination of the track and equipment did not reveal any defects which might have caused the derailment, but apparently the refrigerator car was the first to leave the rails, caused presumably by something dropping down on the track, although this could not be definitely determined after the wreck occurred.

We are of the opinion that the equipment of steel construction prevented more serious results. In fact, it is quite remarkable that in a casualty of this kind not one was killed.

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#### Great Northern Railway—Montana Division.

West-bound passenger train No. 1 was derailed about one mile west of the station of Boru, at 6:22 P. M., October 12th, 1913, resulting in injury to 19 passengers and two employees. There were no fatalities.

The train consisted of the engine, one combination dynamo and baggage car, one smoker, one express car, one day coach, two tourist cars, dining car, two standard sleepers and the observation car. At the time of the derailment the speed was not in excess of 20 miles per hour. Ascending a one per cent grade the tourist car was the first to leave the rails, and caused the diner and both sleepers to turn over on their sides. The front trucks of the observation car left the track but the car remained upright.

The investigation developed that the accident was caused by a broken rail. The track at this point is laid with 77½-pound steel, on sawed ties, heavily ballasted with gravel. The condition of the track was good. The broken rail showed no flaws or defects to which the cause for its breaking might be attributed. It was a new clean break and has been shipped east by the railway company for analysis to determine the cause of its failure.

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PART IV.  
NAVIGATION

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### INSPECTOR OF NAVIGATION.

Chapter 63, Session Laws 1913, approved by the Governor March 8th, 1913, repeals Chapter 105, Session Laws of the Twelfth Legislative Assembly.

Section 1, Chapter 63, provides that the Board of Railroad Commissioners "Shall appoint some suitable person inspector of steam vessels, other boats propelled by machinery, sailing craft, ferry boats and barges, other than private pleasure boats, on any of the navigable waters of the State of Montana."

Pursuant to the provisions of said section, the Commission appointed to the position of Inspector Captain N. A. Palmer of Polson, Montana, such appointment becoming effective March 8th, 1913.

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### CHAPTER 63.

#### Session Laws, 1913.

"An Act to Provide for the Inspection of Steamboats and All Other Boats propelled by Machinery, Sailing Craft, Ferry-boat and Barges other than Private Pleasure Crafts, on Any of the Navigable Waters of the State of Montana, to Provide for Their Inspection and for the Appointment of an Inspector of Navigation, to Define His Duties, to Provide for His Compensation, and to Provide Sailing Rules for All Such Boats, Including Pleasure Crafts Propelled by Machinery, and for the General Superintendence and Control of Navigation by the State Board of Railroad Commissioners; Providing Penalties for a Violation of Its Provisions; Repealing Chapter 105 of the Session Laws of the Twelfth Legislative Assembly, and All Acts and Parts of Acts in Conflict Herewith."

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### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. The Board of Railroad Commissioners of the State of Montana, shall appoint some suitable person Inspector of steam vessels, other boats propelled by machinery, sailing crafts, ferry-boats and barges, other than private pleasure boats, on any of the navigable waters of the State of Montana. Said inspector shall have a practical knowledge of such boats and vessels and ferry-boats as ply the navigable waters of the State of Montana, and shall be experienced in the con-

struction and familiar with the safety appliances of all such boats and their appurtenances.

Section 2. The Inspector shall annually, or as often as the Board of Railroad Commissioners may order, inspect every steamboat or other barge propelled by machinery, or sailing boat, ferry boat or barge, other than private pleasure boat, and shall examine carefully the hull of such boats and their equipment, and require such changes, repairs and improvements to be adopted and used as he may deem expedient for the safety of all such boats. He shall also fix the number of passengers that may be transported upon any boat; he shall likewise fix the number of tons of freight that may be carried upon any such boat, barge or ferry-boat. He shall, whenever he deems it expedient to do so, visit any such boat and examine into its condition or their condition, for the purpose of ascertaining whether such boat or boats have a certificate from the Board of Railroad Commissioners and whether such boats are conformable to and obeying the conditions imposed by this Act and by the Board of Railroad Commissioners. The owner, master, pilot and captain or engineer of such vessel or boat shall answer all reasonable questions and give all the information in his or her possession in regard to such boat or boats, or any of them, concerning their machinery and the manner of managing said boats. The said Inspector shall examine all life-saving appliances and life-boats carried on any such vessels, steamboats or other boats propelled by machinery, as well as all ferry-boats. The inspector shall report the condition of all such boats, life-saving appliances and life-boats to the Board of Railroad Commissioners.

Section 3. The Inspector shall at all times have free access to any and all of such boats and parts thereof, and shall have free transportation thereon for the purpose of making such inspection; and he is hereby authorized, whenever in his judgment the master, owner, captain or pilot of any of the boats mentioned in this Act, has failed to comply with the provisions of this Act, or when he deems such boat unsafe, to cause the same to be tied up until such owner, master, captain or pilot shall have complied with the provisions of this Act, or until such boat shall have been made safe and seaworthy, as the case may be; and if any such master, owner, captain or pilot or any other person shall release or cause to be released, any such

boat, he shall be deemed guilty of a misdemeanor.

Section 4. The Inspector shall report all of his findings to the Board of Railroad Commissioners of the State of Montana, which said Commission shall thereupon if in its opinion said boat shall be seaworthy and safe for the carrying of passengers and freight, issue to such boat a certificate or permit to engage in the business of navigation on any of the navigable waters of the State of Montana, and shall likewise issue licenses to any captain or pilot of such boat, if in its judgment said captain or pilot is qualified for the duties imposed upon him by the provisions of this Act; and said Commission shall issue all rules and regulations that may be in its judgment necessary for the safe navigation of all steamboats and all boats propelled by machinery, sail-boats, ferry-boats and barges, including pleasure crafts propelled by machinery, navigating on any of the navigable waters of this State.

Section 5. No greater number of passengers shall be transported upon licensed boat, steamboat or other boat propelled by machinery, or sailing-boat, or ferry-boat, or barge, than the number allowed in the certificate to such boat, vessel, steamboat, or other boat propelled by machinery, or sailing-boat, ferry-boat, or barge, and any captain, pilot, or engineer of such boat who shall violate any of the provisions of this section shall be guilty of a misdemeanor and shall be punished accordingly, and shall have (at the discretion of the Board of Railroad Commissioners) his license revoked.

Section 6. All steamboats to which this Act shall apply shall be so constructed that all woodwork about the boiler, smoke-stack, fire-boxes, chimneys, cooking-houses, stoves and stovepipes exposed to ignition shall be so shielded by some incombustible material that the air shall circulate freely between such material and woodwork or other ignitable substance, and before granting the certificate of inspection the Board of Railroad Commissioners shall require that all necessary provisions be made as it may deem expedient to guard against loss or damage by fire.

Section 7. The following rules shall be observed in navigating steam vessels, steamboats, and all other boats propelled by machinery, and sailing crafts, on any of the navigable waters of the State of Montana affected by the provisions of this Act:

Rule 1. All steamboats or other boats propelled by machinery, shall be equipped with either steam or compressed air whistles.

Rule 2. When two boats are meeting, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

Rule 3. When two boats are crossing so as to involve risk of collision, the boat which has the other on her starboard shall keep out of the way of the other.

Rule 4. When a steamboat or boat propelled by machinery and sailing-boat are proceeding in the same direction so as to involve risk of collision, the boat propelled by machinery shall keep out of the way of the sailing craft.

Rule 5. When, by any of these rules, one of the two of the vessels is to keep out of the way, the other shall keep her course and speed.

Rule 6. Every boat propelled by machinery under way and approaching another boat or vessel of any kind so as to involve a risk of collision, shall slacken her speed, or, if necessary, shall stop and reverse her engine, and every boat propelled by machinery shall, when in a fog, go at a moderate speed.

Rule 7. Any boat propelled by machinery overtaking another boat propelled by machinery shall keep out of the way of the last named boat.

Rule 8. When two boats propelled by machinery are going in the same direction and the stern boat wishes to pass the other, she shall signal the forward boat of her intention to pass on the port side, by two distinct whistles, and to pass on her starboard side by one distinct whistle, which shall be answered by the forward boat by the same number of whistles, and the forward boat shall keep on her course as if no signal had been given.

Rule 9. When two steamboats or other boats propelled by machinery are approaching each other, and if the course of such boats is so far on the starboard side of each other as not to be considered by the pilot as meeting end on or nearly so, or, if such boats are approaching each other in such a manner that passing is not as in Rule 2, being deemed unsafe, the pilot of one boat shall give two short and distinct blasts of his whistle, which the pilot of the other boat shall answer by two

blasts of his whistle, and they shall pass to the left (on the starboard side) of each other.

Rule 10. Steamboats or other boats propelled by machinery approaching each other at not less than 300 yards distance from each other shall give a signal with one loud distinct whistle.

Rule 11. When two steamboats or other boats propelled by machinery are approaching each other and the pilot of either boat fails to understand the course or intention of the other, whether from signals being given or answered erroneously, or from other causes, the pilot so in doubt shall immediately signify the same by giving several short blasts of his whistle, and if the boats shall have approached within 500 yards of each other, both shall immediately slow up to a speed barely sufficient for steerage or until the proper signals are given, answered and understood, or until until the boats shall have passed each other.

Rule 12. When a steamboat or other boat propelled by machinery is in a fog or is in thick weather, it shall be the duty of the pilot to cause a long blast of the whistle to be sounded at intervals of not to exceed one minute.

Rule 13. Signals of distress shall be four blasts of the whistle and shall be recognized by the master of any steamboat or other boat propelled by machinery hearing the same, and he shall render such assistance as in his power.

Rule 14. Any steamboat or other boat propelled by machinery landing at a wharf or dock, shall have the right to such wharf or dock for a period of five minutes. If detained at the wharf or dock for a longer period than five minutes, the steamboat or other boat propelled by machinery already at the wharf shall allow another steamboat or other boat propelled by machinery to land along side and discharge her passengers and freight over her deck for at least ten minutes and thereafter until the first steamboat or other boat propelled by machinery shall leave said wharf or dock.

Rule 15. In the construing of these provisions, due regard must be had for all of the dangers of navigation and to any special circumstances, which may render a departure therefrom necessary in order to avoid immediate danger.

Rule 16. Every steamboat or other boat propelled by machinery which is under sail and not under steam, is to be considered a sailing vessel, and any or every vessel under steam

or propelled by machinery, whether under sail or not, is to be considered a steam vessel.

Rule 17. All steamboats or other boats propelled by machinery licensed under the provisions of this Act or Article shall conform to and obey such other rules and regulations not inconsistent herewith as the Board of Railroad Commissioners may direct.

Section 8. Every steamboat or other boat propelled by machinery on the navigable waters within the jurisdiction of this State, shall have two copies of this section framed; one to be posted in the pilot house and the other to be hung in a conspicuous place on the vessel for the inspection of passengers.

Section 9. The master or pilot in charge of the steamboat, or other boat propelled by machinery, or sailing craft, when navigating any of the waters of this State, shall, between sunset and sunrise, cause said boats to carry the following lights: First: at the foremast head, a bright white light of such a character as to be visible on a dark night, in a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon to twenty points of the compass, and to be so fixed as to show the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side. Second: on the starboard side a green light of such a character as to be visible on a dark night with a clear atmosphere, at a distance of at least two miles, and to be so constructed as to show a uniform and unbroken light over an arc of the horizon to ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. Third: on the port side a red light of such character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon to ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The red and green lights shall be fixed with screens so as to prevent them from being seen from the rear.

Section 10. Every steamboat or other boat propelled by machinery, other than private pleasure boats, shall be provided with a force pump or an equivalent apparatus for throwing water, and the same shall be at all times during the navigation

of such boat, kept ready for use. Such pump shall be of suitable size and construction to use either in extinguishing fires or pumping water out of the boat, and shall be approved by the Board of Railroad Commissioners.

Section 11. Every steamboat or other boat propelled by machinery, and sailing craft or ferry-boat affected by the provisions of this Act, shall carry on their deck, hung from davits, such life-boats or other boats as shall be ordered by the Board of Railroad Commissioners. And every captain shall order and hold a practice drill for the lowering of lifeboats and fire drill at least once every month, and shall keep a record of all such drills, which record shall be kept in a convenient place on such boat and shall at all times be subject to inspection by the public.

Section 12. Every steamboat or other boat affected by this Act, shall have a life preserver for each passenger, and she shall also carry one for each of her crew. Such life preservers shall be made of good, sound cork blocks, easily adjusted to the body with belts and straps, properly attached, and so constructed as to pass the cork under the shoulders and around the body of the person wearing the same. Each life-preserver shall contain at least six pounds of good cork, having a buoyancy of at least four pounds to each pound of cork. It shall be the duty of the Inspector to satisfactorily ascertain that every life-preserver is as herein required. All such life-preservers shall be kept in a convenient place, accessible in case of accident, in readiness for immediate use, and the place where same are kept shall be designated in the certificate issued by the Board of Railroad Commissioners and pointed out by printed notices posted in such places as the Board of Railroad Commissioners may direct.

Section 13. The State Boiler Inspector shall inspect all steam boilers in each of the steamboats within the State.

Section 14. Every steamboat or other boat propelled by machinery or sailing craft subject to the provisions of this Act shall have her name printed on her stern, in either black, yellow or red letters, of not less than three inches in length.

Section 15. If any boat subject to the provisions of this Act shall be deprived of the services of any licensed officer without the consent, fault or collusion of the master, owner or person interested in such boats, the Board of Railroad Commis-

sioners shall be notified and the deficiency may be temporarily supplied until the services of a licensed officer can be obtained.

Section 16. The owner of every steamboat or other boat propelled by machinery, sailing-boat, ferry-boat or barge, subject to the provisions of this Act, shall pay the Board of Railroad Commissioners, for the use and benefit of the State, an inspection fee on such boats, as follows, to-wit: For each boat under ten tons burden, ten (\$10.00) dollars; for each boat over ten tons burden and under twenty tons burden, fifteen (\$15.00) dollars; for each boat over twenty tons and under fifty tons burden, twenty (\$20.00) dollars; for each boat over fifty tons and under one hundred tons burden, twenty-five (\$25.00) dollars, and all over a hundred tons burden, thirty (\$30.00) dollars. For each ferry-boat, ten (\$10.00) dollars, and for each barge, ten (\$10.00) dollars.

Section 17. For every license granted under the provisions of this Act, there shall be charged and collected from the person receiving such license, for the use and benefit of the State, the sum of five (\$5.00) dollars, which said license shall remain in full force for one year from the date thereof.

Section 18. The Inspector shall receive for all services by him, under the supervision of the Board of Railroad Commissioners, in full for such services as inspector, the sum of twelve hundred (\$1200.00) dollars per annum, and no other or further fee or compensation. The fees for the inspection shall be paid at the time of the inspection. All fees for licenses shall accompany the application for such license, and in case such license is not issued, the fees shall be returned to the applicant; all fees to be accounted for and paid over to the State Treasurer monthly.

Section 19. It is hereby made the duty of the Board of Railroad Commissioners to enforce the provisions of this Act, and said Board of Railroad Commissioners shall have the jurisdiction to make all needful rules providing for the safety of all passengers, crews and freight travelling or being transported upon the navigable waters of this State, provided that such rules are within the provision of this Act.

Section 20. It shall be unlawful for any person or persons to operate any steamboat or other boat propelled by machinery, sailing craft or ferry-boat, or engage in the business of



the navigation of boats, without first complying with the provisions of this Act.

Section 21. Any persons violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined in any sum not less than twenty-five (\$25.00) dollars nor more than three hundred (\$300.00) dollars, or imprisoned in the county jail not exceeding six months; and in addition thereto the Board of Railroad Commissioners may revoke or suspend the license of any captain or pilot of any boat navigated in violation of the provisions of this Act.

Section 22. Chapter 105 of the Session Laws of the Twelfth Legislative Assembly, and all Act and parts of Acts in conflict herewith are hereby repealed.

Section 23. This Act shall be in full force and effect from and after its passage and approval.

Approved March 8th, 1913.

### CERTIFICATES AND LICENSES.

Licenses have been issued to qualified captains or pilots, and certificates to seaworthy vessels, year ending November 30th, 1913, as follows:

CERTIFICATES.			
Name of Boat.	Owned By.	Authorized to Carry.	
		Pas.	Frts. (Tons).
Albatross .....	Hodge Nav. Co....	...	90
Black Marlar .....	Hodge Nav. Co....	...	90
Star No. 1 .....	Star Towing Co. ..	...	50
Star .....	Star Towing Co. ..	30	5
Barge P. S. T. No. 1 .....	Polson-Somers Transportation Co.	...	200
Clipper .....	Geo. A. Wells.....	16	6
Flyer .....	G. S. Fessenden....	50	15
Guthrie .....	Somers Lbr. Co....	...	(Towing)
Swan .....	Ernest Von Euen..	16	3
Klondike .....	Hodge Nav. Co....	425	110
Defiance .....	Dewey Lbr. Co....	...	(Towing)
City of Dixon .....	Dixon & Sloan Transportation Co.	100	40
St. Marys .....	Great Nor. Ry. Co.	100	5
Eva B. ....	Russel & Wilder..	30	7½
Clipper .....	Samuel Woods.....	32	5
Emiline .....	Frank Kelly .....	32	5
Cassie D. ....	John Lewis .....	30	5
Ethel .....	Kelly & Lewis....	110	...
Glacier .....	Great Nor. Ry. Co.	21	2
Helen of Helena .....	John M. Fiske....	12	...
Montana .....	Eugene Guillot ...	52	13
Queen .....	A. L. Durkee.....	40	10
Somers .....	Polson-Somers Transportation Co.	97	36
Jennie .....	Olaf Wickner ....	14	...
Missouri .....	Olaf Wickner ....	75	24
Amberlea .....	Penny & Smith....	25	10
Montana .....	Flathead Lake Trans. Co. ....	160	40
Pioneer .....	E. C. Bond .....	16	4
Swan .....	A. K. Millett .....	13	1

## LICENSES.

Captain's Name.	On the Waters of.
Club, W. H. ....	Flathead Lake.
Durkee, A. L. ....	Flathead Lake.
Fessenden, G. A. ....	Flathead Lake.
Palmer, N. A. ....	Flathead Lake.
Hodge, Eugene ....	Flathead Lake.
Taylor, Wm. T. ....	Flathead Lake.
Von Euen, Ernest ....	Flathead Lake.
West, Fred ....	Flathead Lake.
Wood, Samuel O. ....	Flathead Lake.
Roberts, D. M. ....	Flathead River.
Dewey, W. G. ....	Flathead Lake.
Hill, Geo. L. ....	Flathead River.
Bond, R. M. ....	Flathead Lake.
Wickner, Olaf ....	Missouri River.
Anderson, Alfred P. ....	Flathead Lake.
Fiske, John M. ....	Hauser Lake.
Taylor, T. C. ....	Flathead Lake.
Bose, W. A. ....	Lake McDonald.
Wright, B. N. ....	Hauser Lake.
MacDonell, Angus H. ....	Flathead Lake.
Penney, Walter S. ....	Swan Lake.
Millett, A. K. ....	Swan Lake.
Schuett, Wm. ....	Flathead Lake.
Hall, T. B. ....	Holt Ferry (Flathead River).
King, Cyrus ....	Therriault Ferry (Flathead River).



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**PART V.**  
**PUBLIC SERVICE COMMISSION**

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**PUBLIC SERVICE COMMISSION OF MONTANA.**

By the Act of the Thirteenth Legislative Assembly, Chapter 52, Session Laws 1913—the Board of Railroad Commissioners was made ex-officio the “Public Service Commission of Montana,” having jurisdiction over any and all public utilities producing, delivering or furnishing for or to others, heat, street railway service, light, power, water, telephone or telegraph service.

The Commission thus created, perfected its organization at a special meeting of the board March 19th, 1913, all members being present, by electing Mr. Boyle chairman, the duties of secretary to be performed by the secretary of the Railroad Commission, as provided in Section 11 of the Act.

Also at special meetings of the board March 24th and 25th, all members being present, Mr. Oscar Reynolds and Mr. Fred E. Hoss were appointed engineer and auditor respectively, each at a salary of \$200.00 per month, Mr. Reynolds’ appointment taking effect April 1st and Mr. Hoss’ March 26th.

The full text of the law follows:

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**PUBLIC SERVICE COMMISSION LAW.****Chapter 52, Session Laws 1913.**

An Act making the Board of Railroad Commissioners of the State of Montana ex-officio a Public Service Commission for the Regulation and Control of certain public utilities; prescribing the manner in which such public utilities shall be regulated and controlled, requiring such public utilities to furnish reasonably adequate service and facilities, prohibiting unjust and unreasonable charges for services rendered by such public utilities, providing penalties for violation of the provisions of this Act, authorizing such Public Service Commission to appoint an expert engineer and to employ clerks and assistants and making an appropriation for carrying out the provisions of this Act.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY  
OF THE STATE OF MONTANA.**

Section 1. A Public Service Commission is hereby created, whose duty it shall be to supervise and regulate the operations of the public utilities hereinafter named, such supervision and regulation to be in conformity with this Act.

Section 2. The Board of Railroad Commissioners of the State of Montana shall be ex-officio, the Public Service Commission hereby created, and for the purposes of this Act shall be known and styled "Public Service Commission of Montana." It shall provide itself with a seal bearing these words, by which its official acts shall be authenticated in all cases where a seal is required; and in the name as above set forth, it may sue and be sued in the courts of the State and of the United States. The Secretary of the Railroad Commission of Montana shall act as secretary of the Commission hereby created, but the business of the Public Service Commission shall be kept entirely separate from that of the Railroad Commission.

Section 3. The term "Public Utility," within the meaning of this Act shall embrace every corporation, both public and private, company, individual, association of individuals, their lessees, trustees, or receivers appointed by any court whatsoever, that now or hereafter may own, operate or control any plant or equipment, or any part of a plant or equipment within the State for the production, delivery or furnishing for or to other persons, firms, associations, or corporations, private or municipal, heat, street railway service, light, power in any form or by any agency, water for business, manufacturing, household use, or sewerage service, whether within the limits of municipalities, towns and villages, or elsewhere; telegraph or telephone service, and the Public Service Commission is hereby invested with full power of supervision, regulation and control of such utilities, subject to the provisions of this Act and to the exclusion of the jurisdiction, regulation and control of such utilities by any municipality, town or village.

Section 4. In addition to the modes of procedure hereinafter prescribed in particular cases and classes of cases, said Commission shall have power to prescribe rules of procedure, and to do all things necessary and convenient in the exercise of the powers by this Act conferred upon the Commission; provided, that nothing in this Act shall be construed as vesting judicial powers on said Commission, or as denying to any person, firm, association, corporation, municipality, county, town or village, the right to test in court of competent jurisdiction, the legality

or reasonableness of any fixed order made by the Commission in the exercise of its duties or powers.

Section 5. Every public utility is required to furnish reasonably adequate service and facilities. The charge made by any public utility for any heat, light, power, water, telegraph or telephone service, produced, transmitted, delivered or furnished, or for any service to be rendered as, or in connection with any public utility shall be reasonable and just, and every unjust and unreasonable charge is prohibited and declared unlawful.

Section 6. The Commission may, in its discretion, investigate and ascertain the value of the property of every public utility actually used and useful for the convenience of the public. In making such investigation the Commission may avail itself of all information contained in the assessment rolls of various counties, and the public records of the various branches of the State government or any other information obtainable, and the Commission may at any time of its own initiative make a revaluation of such property.

Section 7. (a) Every public utility shall keep and render to the Commission in the manner and form prescribed by the Commission, uniform accounts of all business transacted.

(b) Every public utility engaged directly or indirectly in any other business than those mentioned in Section 3 of this Act, shall, if required by the Commission, keep and render separately to the Commission, in like manner and form, the accounts of all such other business, in which case all the provisions of this Act shall apply with like force and effect to the books, accounts, papers and records of such other business.

(c) The Commission shall cause to be prepared, suitable blanks for carrying out the purposes of this Act, and shall, when necessary, furnish such blanks to each public utility.

(d) No public utility shall keep any other books, accounts, papers or records of the business transacted, than those prescribed or approved by the Commission. Each public utility shall have an office in one of the towns, villages or cities in this State, in which its property, or some part thereof, is located, and shall keep in said office, all such books, accounts, papers and records as shall be required by the Commission to be kept within the State. No books, accounts, papers, or records required by the Commission to be kept within the State, shall

be at any time removed from the State, except upon such conditions as may be prescribed by the Commission.

(e) The accounts of such public utilities shall be closed annually on the thirtieth day of June, a balance sheet taken promptly therefrom, and full annual reports of the business be made to the Commission not later than the 15th day of September following the closing of the accounts. The reports shall be in such form as prescribed by the Commission, and shall contain all the information deemed by the Commission necessary for the proper performance of its duties. The Commission may at any time, call for desired information omitted from such reports, or not provided for therein, whenever, in the judgment of the Commission, such information is necessary.

(f) Any commissioner, or any person or persons authorized by the Commission, shall have the right to examine the books, accounts, records and papers of any public utility, for the purposes of determining their correctness, and whether they are being kept in accordance with the rules and system prescribed by the commission.

Section 8. Any officer, agent or person in charge of the books, accounts, records and papers, or any of them of any public utility, who shall refuse or fail for a period of thirty days, to furnish the Commission with any report required by the provisions of this Act, and any officer, agent or person in charge of any particular books, accounts, records or papers relating to the business of such public utility, who shall refuse to permit any commissioner or other person duly authorized by the Commission, to inspect such books, accounts, records or papers on behalf of the Commission, shall be subject to a fine of not less than one hundred (\$100.00) dollars, or more than five hundred (\$500.00) dollars, such fine to be recovered in a civil action upon the complaint of the Commission in any court of competent jurisdiction; and each day's refusal or failure on the part of such officer, agent or person in charge, shall be deemed a separate offense, and be subject to the penalty herein prescribed.

Section 9. The Commission shall make and publish annual reports for each calendar year, showing its proceedings, which report shall, as nearly as may be, conform in a general way, to those of the Railroad Commission of the State, and be made at the same time. All reports, records, accounts, files, papers and



memoranda of every nature in the possession of the Commission shall be open to the public at all reasonable times, subject to the exception that when the Commission deems it necessary, in the interest of the public, it may withhold from the public any facts or information in its possession for a period of not more than ninety days after the acquisition of such facts or information.

Section 10. (a) The Commission shall ascertain and prescribe for each kind of public utility, suitable and convenient commercial units of product or service. These shall be lawful units for the purposes of this Act.

(b) The Commission shall ascertain and fix adequate and serviceable standards for the measurement of quality, pressure, initial voltage or other conditions pertaining to the supply of the product or service rendered by any public utility, and prescribe reasonable regulations for examination and testing of such product or service, and for the measurement thereof.

(c) The Commission shall provide for the examination and testing of any and all appliances used for the measuring of any product or service of a public utility. Any consumer or user may have any such appliances tested upon payment of the fees fixed by the Commission. The Commission shall declare and establish reasonable fees to be paid for testing such appliances on the request of the consumers or users, the fee to be paid by the consumer or user at the time of his request—which fees, however, shall be paid by the public utility and repaid to the complaining party, if the quality or quantity of the product or character of the service be found by the Commission defective or insufficient in a degree to justify the demand for testing; or the Commission may apportion the fees between the parties as justice may require.

(d) The Commission may, in its discretion, purchase such materials, apparatus and standard measuring instruments for such examinations and tests as it may deem necessary.

(e) The Commission, its agents, experts or examiners, shall have the power to enter upon any premises occupied by any public utility for the purpose of making the examinations and tests provided in this Act, and to set up and use on such premises, any apparatus and appliances and occupy reasonable space therefor. Any public utility refusing to allow such ex-

aminations to be made as herein provided, shall be subject to the penalties prescribed in Section 8 of this Act.

Section 11. (a) Every public utility shall file with the Commission within a time fixed by the Commission, schedules which shall be open to public inspection, showing all rates, tolls and for any service performed by it within the State, or for any service in connection therewith, or performed by any public utility controlled or operated by it. The rates, tolls and charges which it has established and which are in force at the time shown on such schedules shall not exceed the rates, tolls and charges in force at time of passage of this Act. Every public utility shall file with and as a part of such schedule, all rules and regulations, that in any manner affect the rates charged or to be charged for any service. A copy of so much of said schedule as the Commission shall deem necessary for the use of the public, shall be printed in plain type, and kept on file in every station or office of such public utility, where payments are made by the consumers or users, open to the public, in such form and place as to be readily accessible to the public and as can be conveniently inspected.

(b) When a schedule of joint rates or charges is or may be in force between two or more public utilities, such schedule shall in like manner, be printed and filed with the Commission and so much thereof as the Commission shall deem necessary for the use of the public shall be filed in every such station or office as prescribed in Section 11 (a).

(c) No change shall thereafter be made in any schedule including schedules of joint rates, except upon twenty days' notice to the Commission, and all such changes shall be plainly indicated upon existing schedules, or by filing new schedules in lieu thereof ten days prior to the time the same are to take effect; provided, that the Commission upon application of any public utility, may prescribe a less time within which a reduction may be made; provided, however, that no advance or reduction of existing schedules shall be made without the concurrence of the Commission. Copies of all new and amended schedules shall be filed and posted in the stations or offices of public utilities as in the case of original schedules. The Commission may prescribe such changes in the form in which the schedules are issued by any public utility as may be found to be expedient.

Section 12. It shall be unlawful for any public utility to charge, demand, collect or receive a greater or less compensation for any service performed by it within the State, or for any service in connection therewith, than is specified in such printed schedules, including schedules of joint rates, as may at the time be in force, or to demand, collect or receive any rate, toll or charge not specified in such schedules. The rates, tolls and charges named therein shall be the lawful rates, tolls and charges until the same are changed, as provided in this Act. It shall likewise be unlawful for any public utility to grant any rebate, concession or special privilege to any consumer or user, which, directly or indirectly, shall or may have the effect of changing the rates, tolls, charges or payments, and any violation of the provisions of this section shall subject the violator to the penalty prescribed in Section 8 of this Act. This, however, does not have the effect of suspending, rescinding, invalidating or in any way affecting existing contracts.

Section 13. The Commission may prescribe classifications of the service of all public utilities, and such classifications may take into account the quantity used, the time when used and any other reasonable consideration. Each public utility is required to conform its schedule of rates, tolls and charges to such classifications.

Section 14. The Commission shall have the power to adopt reasonable and proper rules and regulations relative to all inspections, tests, audits and investigations, and to adopt and publish reasonable and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings of public utilities, and other parties before it. All hearings shall be open to the public.

Section 15. (a) The Commission shall have authority to inquire into the management of the business of all public utilities and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from any public utility all necessary information to enable the Commission to perform its duties.

(b) The Commission or any commissioner, or any person or persons employed by the Commission for that purpose, shall, upon demand, have the right to inspect the books, accounts, papers, records and memoranda of any public utility, and to

examine, under oath, any agent or employee of such public utility in relation to its business and affairs.

(c) Any person, other than one of said commissioners, who shall make such demand, shall produce his authority to make such inspection.

(d) The Commission may require by order or subpoena, to be served on any public utility in the same manner that a summons is served in a civil action in the District Court, the production, within this State, at such time and place as it may designate, of any books, accounts, papers or records kept by such public utility in any office or place without the State of Montana, or verified copies in lieu thereof, if the Commission shall so order, in order that an examination thereof may be made by the Commission or under its direction.

(e) Any public utility failing or refusing to comply with any such order or subpoena, shall be subject to the liability named in Section 8 of this Act.

Section 16. The Commission is authorized to employ an engineer at a salary of not to exceed twenty-four hundred (\$2400.00) dollars per annum, also examiners, experts, clerks, accountants or other assistants as it may deem necessary, at such rates of compensation as it may determine upon.

Section 17. Upon a complaint made against any public utility, by any mercantile, agricultural or manufacturing society or club, or by any body politic, or municipal organization, or association or associations, the same being interested, or by any person or persons, firm or firms, corporation or corporations, provided such persons, firms, or corporations are directly affected thereby, that any of the rates, tolls, charges or schedules, or any joint rate or rates are in any way unreasonable or unjustly discriminatory, or that any regulations, measurements, practices or acts whatsoever affecting or relating to the production, transmission or delivery or furnishing of heat, light, water or power, or any service in connection therewith, or the conveyance of any telegraph or telephone message or any service in connection therewith is in any respect, unreasonable, insufficient or unjustly discriminatory, or that any service is inadequate, the Commission shall proceed, with or without notice, to make such investigation as it may deem necessary. But no order affecting such rates, tolls, charges,

schedules, regulations, measurements, practice or act complained of, shall be entered without a formal hearing.

(b) The Commission shall give the public utility and the complainant or complainants, at least ten days' notice of the time when and the place where such hearing will be held, at which hearing both the complainant and the public utility shall have the right to appear by counsel or otherwise, and be fully heard. Either party shall be entitled to an order by the Commission for the appearance of witnesses or the production of books, papers and documents containing material testimony. Witnesses appearing upon the order of the Commission shall be entitled to the same fees and mileage as witnesses in civil cases in the courts of the State, and the same shall be paid out of the State Treasury in the same manner as other claims against the State are paid; but no fees or mileage shall be allowed, unless the chairman of the Commission shall certify to the correctness of the claim.

Section 18. If any party ordered to appear before the Commission as a witness, shall fail to obey such order, the Commission or any member, or the secretary thereof, may apply to the clerk of the nearest district court, for a subpoena commanding the attendance of said witness before the Commission. It shall be the duty of such clerk to issue such subpoena, and of any peace officer to serve the same. Disobedience to such subpoena shall be deemed a contempt of court and punished accordingly.

Section 19. (a) If, upon such hearing and due investigation, the rates, tolls, charges, schedules or joint rates shall be found to be unjust, unreasonable or unjustly discriminatory, or to be preferential or otherwise in violation of the provisions of this Act, the Commission shall have the power to fix and order substituted therefor, such rate or rates, tolls, charges or schedules as shall be just and reasonable. If it shall in like manner be found that any regulation, measurement, practice, act or service complained of, is unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of the provisions of this Act, or if it be found that the service is inadequate, or that any reasonable service cannot be obtained, the Commission shall have power to substitute therefor such other regulations, measurements, practices, service or acts, and make such order relating thereto as may be just and reasonable.

(b) When complaint is made of more than one rate, charge or practice, the Commission may in its discretion, order separate hearing upon the several matters complained of, and at such times and places as it may prescribe. The Commission may at any time, upon its own motion, investigate any of the rates, tolls, charges, rules, regulations, practices and service, and after a full hearing, as above provided, by order, make such changes as may be just and reasonable the same as if a formal complaint had been made.

(c) Any public utility may make complaint as to any matter affecting its own product or service with like effect, as though made by any mercantile, agricultural or manufacturing society, body politic, or municipal organization or person or persons. Notice of the hearing upon any such complaint shall be given to the persons interested in such manner as the Commission may by rule prescribe.

Section 20. The Commission or any party to any proceeding before it, may cause the depositions of witnesses to be taken in the manner prescribed by law for like depositions in civil actions.

Section 21. A full and complete record shall be kept of all proceedings before the Commission or its representatives on any formal investigation, and all testimony shall be taken down by the stenographer appointed by the Commission. Whenever any complaint is served upon the Commission as hereinafter provided for, the bringing of actions against the Commission, before the action is reached for trial the Commission shall cause a certified copy of all proceedings held and testimony taken upon such investigation, to be filed with the clerk of the court in which the action is pending.

Section 22. No person shall be excused from testifying, or from producing books and papers in any proceedings based upon or growing out of any alleged violation of the provisions of this Act, on the ground of, or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to incriminate or subject him to penalty or forfeiture; but no person having so testified, shall be prosecuted or subjected to any penalty or forfeiture for, or on account of any transaction, matter or thing, concerning which he may have testified or produced any documentary evidence; provided,

that no person, so testifying, shall be exempted from prosecution or punishment for perjury in so testifying.

Section 23. Any officer, agent or employee of any public utility who shall wilfully fail or refuse to fill out and return any blanks as required by this Act, or shall wilfully fail or refuse to answer any questions therein propounded, or shall knowingly or wilfully give a false answer to any such questions, or shall evade the answer to such questions, where the fact inquired of is within his knowledge, or who shall, upon proper demand, wilfully fail or refuse to exhibit to any Commission or any commissioners, or any person also authorized to examine the same, any book, paper or account of such public utility which is in his possession or under his control, shall be subject to the penalty prescribed in Section 8 of this Act.

Section 24. The Commission shall inquire into any neglect or violation of the laws of this State by any such public utility as hereinbefore defined, doing business therein, or by the officers, agents, or employees thereof, and shall have the power, and it shall be its duty, to enforce the provisions of this Act, and report all violations thereof to the Attorney General; upon the request of the Commission it shall be the duty of the Attorney General or the prosecuting attorney of the proper, or any county, to aid in any investigations, prosecutions, hearing or trial had under the provisions of this Act, and to institute and prosecute all necessary actions or proceedings for the enforcement of this Act.

Section 25. All rates, fares, charges, classifications and joint rates fixed by the Commission shall be enforced, and shall be prima facie lawful, from the date of the order until changed or modified by the Commission, or in pursuance of Section 26 of this Act. All regulations, practices and service, prescribed by the Commission, shall be enforced and shall be brought for that purpose, pursuant to the provisions of Section 27 of this Act, or until changed or modified by the Commission itself upon satisfactory showing made.

Section 26. Any party in interest being dissatisfied with an order of the Commission fixing any rate or rates, fares, charges, classifications, joint rate or rates, or any order fixing any regulations, practices or services, may within ninety (90) days commence an action in the district court of the proper county

against the Commission and other interested parties as defendants to vacate and set aside any such order on the ground that the rate or rates, fares, charges, classifications, joint rate or rates, fixed in such order is unlawful or unreasonable, or that any such regulation, practice or service, fixed in such order is unlawful or unreasonable. The Commission and other parties defendant shall file their answer to said complaint within thirty (30) days after the service thereof, whereupon such action shall be at issue and stand ready for trial upon twenty (20) days' notice to either party.

All actions brought under this section shall have precedence over any civil cause of a different nature pending in such court, and the court shall always be deemed open for the trial thereof, and the same shall be tried and determined as other civil actions; any party to such action may introduce evidence in addition to the transcript of the evidence offered to said Commission.

(a) No injunction shall issue suspending or staying any order of the Commission except upon application to the court or judge thereof, notice to the Commission having been first given and hearing having been had thereon; provided, that all rates fixed by the Commission shall be deemed reasonable and just and shall remain in full force and effect until final determination by the courts having jurisdiction.

(b) If, upon the trial of such action, evidence shall be introduced by the plaintiff which is found by the court to be different from that offered upon the hearing before the Commission, or additional thereto, the court, before proceeding to render judgment, unless the parties to such action stipulate in writing to the contrary, shall transmit a copy of such evidence to the Commission, and shall stay further proceedings in said action for fifteen (15) days from the date of such transmission. Upon receipt of such evidence the Commission shall consider the same and may modify, amend or rescind its order relating to such rate or rates, fares, charges, classifications, joint rate or rates, regulation, practice or service complained of in said action, and shall report its action thereon to said court within ten days from the receipt of such evidence.

(c) If the Commission shall rescind its order complained of, the action shall be dismissed. If it shall alter, modify or amend



the same, such altered, modified or amended order shall take the place of the original order complained of, and judgment shall be rendered thereon, as though made by the Commission in the first instance. If the original order shall not be rescinded or changed by the Commission, judgment shall be rendered upon such original order.

(d) Either party to said action within sixty (60) days after service of a copy of the order or judgment of the court may appeal or take the case up on error as in other civil actions. Where an appeal is taken to the Supreme Court of Montana the cause shall, on the return of the papers to the higher court, be immediately placed on the calendar of the then pending term, and shall be assigned and brought to a hearing in the same manner as other causes on the calendar.

(e) In all actions under this Act the burden of proof shall be upon the party attacking or resisting the order of the Commission to show that the order is unlawful or unreasonable, as the case may be.

Section 27. The Commission or some member thereof, or some person deputed by it, shall investigate and make inquiry into every accident occurring in the operation of any public utility in this State, resulting in death, or injury to any person, of such gravity as to require the attention of a physician or surgeon. The testimony taken at such hearing shall be transcribed and filed in the office of the Commission.

(a) It is hereby made the duty of every public utility operating within this State, promptly upon the occurrence of any accident, such as is mentioned above, to report by telegraph, followed by written report, the same to the Commission, in which report shall be stated the time and place of accident, the names of persons killed or injured, and in concise form the nature and cause of such accident. The Commission shall prescribe forms for the purpose of making such written reports. Reports of accidents as referred to in this section shall be included in the Commission's annual report to the Governor.

Section 28. If any public utility shall violate any provision of this Act, or shall do any act herein prohibited, or shall fail, or refuse to perform any duty enjoined upon it, or upon failure of any public utility to place in operation any rate or joint rate, or do any act herein prohibited, for which a penalty has

not been provided, or shall fail, neglect or refuse to obey any lawful requirement or order made by the Commission or any court, for every such violation, failure or refusal, such public utility shall be subject to the penalty prescribed by Section 8 of this Act.

Section 29. Every annual report, record or statement required by this Act to be made to the Commission shall be sworn to by the proper officers, agent or person in charge of such public utility. Any intentionally false oath as to the correctness of such report, record or statement, shall be deemed perjury, and the person making such false oath shall, upon conviction, be punished as in the case of other perjuries.

Section 30. Any forfeiture or penalty herein provided shall be recovered and suit thereon shall be brought in the name of the State of Montana in the district court of any county having jurisdiction of the defendant. The Attorney General of Montana shall be the counsel in any proceeding, investigation, hearing or trial, prosecuted or defended by the Commission, as also shall any prosecuting attorney selected by said Commission or other special counsel furnished said Commission in any county where such action is pending.

Section 31. In addition to all the other remedies provided by this Act for the prevention and punishment of any and all violations of the provisions thereof, and all orders of the Commission, the Commission may compel compliance with the provisions of this Act and of the orders of the Commission by proceedings in mandamus, injunction, or by other civil remedies.

Section 32. The Commission and Secretary, and such clerks and experts as may be employed, shall be entitled to receive from the State their necessary expenses while traveling on the business of the Commission, including the cost of lodging and subsistence. Such expenditure shall be sworn to by the person who incurred the expenses and be approved by the chairman of the Commission.

Section 33. Each section of this Act and every part of each section are hereby declared to be independent sections and parts of sections, and the holding of any section or part thereof to be void or inoperative for any cause shall not be deemed to affect any other section thereof.

Section 34. For the purpose of carrying out the provisions of this Act, the sum of \$15,000.00 is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated.

Section 35. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 36. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 4th, 1913.

OFFICE OF THE PUBLIC SERVICE COMMISSION OF  
THE STATE OF MONTANA.

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Order No. 1.

Pursuant to the provisions of Section 11, Chapter 52, Session laws 1913, IT IS HEREBY ORDERED that every public utility producing, delivering or furnishing to others, heat, street railway service, light, power in any form or by any agency, water for business, manufacturing, household use or sewerage service, telegraph or telephone service, shall file in duplicate with the Commission not later than April 8th, 1913, printed or typewritten schedules showing all rates, tolls and charges in effect for any service performed, and all rules and regulations in any manner affecting the rates charged, or service rendered, this to include copy of any and all existing contracts. Such schedules also to embody any and all service furnished gratis, and the same shall be submitted over the signature of the proper officer.

BY ORDER OF THE PUBLIC COMMISSION  
OF THE STATE OF MONTANA.

By R. F. McLAREN, Secretary.

Helena, Montana, March 27th, 1913.

**RULES AND PRACTICES**  
**Before the**  
**PUBLIC SERVICE COMMISSION OF MONTANA**

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RELATING TO HEAT, LIGHT, POWER, STREET RAIL-  
WAY, WATER, TELEGRAPH AND TELEPHONE  
SERVICE, FACILITIES, RATES, RULES AND  
REGULATIONS.

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**ADOPTED, April 7, 1913.**

**SESSIONS OF THE COMMISSION.**

The office of the Commission shall be in the Capitol building, in the city of Helena, Montana, and shall be open for the transaction of business on all days except Sundays and legal holidays.

Special sessions will be held at other points within the State, when in the discretion of the Commission, public interests will thereby best be served.

**Complaints.**

Complaint may be made by the Commission on its own motion, or by any person or association of persons directly affected. Complaint may also be made by any public utility as to any matter affecting its own product or service.

Complaint may allege that rates, tolls, charges or any schedule of joint rates, are in any way unreasonable or unjustly discriminatory, or that any regulation, measurement, practice or act whatsoever affecting or relating to the production, transmission, delivery or furnishing of heat, light, street railway service, water, power, or the conveyance of any telegraph or telephone message, or any service in connection therewith, is in any respect unreasonable, insufficient or unjustly discriminatory, or that the provisions of any order, rule or regulation of the Commission has been or is being violated.

**Intervention.**

Persons or utilities (not parties) may petition in any proceeding for leave to intervene or be heard therein. Such petition shall set forth the petitioner's interest in the proceeding. Leave granted on such application shall entitle the intervenor to appear and be treated as a party to the proceeding, but no

person, not a utility, who intervenes in behalf of the defense shall have the right to file an answer or otherwise become a party, except to have notice of and appear at the taking of testimony, produce and cross-examine witnesses, and be heard in person or by counsel on the argument of the case. Petitions to intervene must be made in writing and must be in the hands of the Commission at least ten days prior to date set for hearing.

### **Form of Complaints.**

All complaints should be addressed, "To the Public Service Commission of Montana," and must give the following information:

1st: The full name and postoffice address of the complainant; also name and address of defendant.

2nd: A clear and concise statement of the complaint, with reference, when possible, to the law, order or rule of which a violation is alleged.

3rd: Such other statement, if any, as will acquaint the Commission fully with the details of the alleged violation.

4th: Complaints shall be printed or typewritten on paper 8½x13 inches, and shall be furnished in as many copies as there are parties defendant, and one extra copy for use of the Commission. Complaints need not be verified.

In any matter, the Commission will, upon inquiry, render all reasonable assistance to interested persons, to insure the proper presentation of cases.

### **Procedure.**

Upon receipt of complaint, the Commission will serve a copy thereof upon the defendant, with notice to answer same within ten (10) days. Defendant may admit or deny the allegations of the complaint. If admitted, the extent of satisfaction to be accorded, must be stated, and the complainant will be so advised by the Commission. If, forthwith, defendant satisfies complaint, further proceedings shall be staid. If the complaint is denied, the Commission will set a date for hearing the testimony of all parties in interest.

### **Hearings.**

All hearings shall be public, and will be held at such time and place as the Commission may designate, of which parties to cases will be given at least ten (10) days notice. At such hearings, both complainant and defendant shall have the right

to appear by counsel or otherwise, and be fully heard in the matter under investigation. The complainant must, in all cases, submit the facts alleged to constitute a violation of the law, unless the utility complained against, admits same in its answer. The defendant must also set forth its objections to the relief prayed for, and must fully disclose its defense at the hearing.

In case of failure of defendant to answer, the Commission will take such proof of the facts as may be deemed proper and reasonable, and make such order thereon as the circumstances of the case appear to require.

When complaint is made of more than one rate, toll or practice, the Commission will, if it is thought advisable to do so, order separate hearings or investigations upon the various matters complained of.

In all cases, the Commission reserves the right to conduct independent investigations before or after public hearings, on any matter complained of, to the end that it may be fully informed. In the event, however, that such independent investigation produces evidence on which either the complainant or defendant has not had an opportunity to be heard, the Commission will afford both parties an opportunity to be heard in relation thereto, before any final order is issued.

#### **Stipulation of Facts.**

Parties to any proceeding before the Commission, may, by stipulation in writing filed with the Commission, agree upon the facts or any portion thereof, which stipulation shall be recorded and used as evidence at the hearing. It is desired that the facts be thus agreed upon whenever possible.

#### **Witnesses, Production of Books, Records, Etc.**

Either party shall be entitled to an order from the Commission for the appearance of witnesses, or the production of books, papers and documents containing material testimony, provided it is shown by affidavit or otherwise, that such witnesses, books, etc. are necessary to the proceeding. Witnesses appearing upon the order of the Commission shall be entitled to the same fees and mileage as witnesses in civil cases in the courts of the State, and the same shall be paid out of the State Treasury in the same manner as other claims against the State are paid, provided, however, that parties to cases, or any

person having an interest therein, will not be considered as a "witness" within the meaning of this rule. No fees or mileage will be allowed unless the chairman of the Commission shall certify to the correctness of the claim.

The Commission or any party to any proceeding before it, may cause the depositions of witnesses to be taken in the manner prescribed by law for like depositions in civil actions.

#### Record of Cases.

A full and complete record will be kept of all proceedings before the Commission or its representatives, or any formal investigation, and all testimony shall be transcribed verbatim by the official stenographer. Copy of such record will be furnished to either complainant or defendant, if requested, for which no charge will be made, provided same is returned to the Commission within thirty days.

#### Brief and Oral Arguments.

Upon completion of the testimony, either party may make application to file briefs, and the Commission will, thereupon, set a time within which such brief must be filed.

Cases may be argued orally upon the submission of final testimony, unless a subsequent date shall be agreed upon by the complainant and defendant, but in all cases, the Commission reserves the right to decide whether or not oral arguments subsequent to the time of submitting final testimony are necessary.

#### Re-Hearings.

After the final submission or decision of any case, if it is desired by either party to have the case re-opened, application may be made to the Commission by petition, and **must state specifically** the ground upon which the application is based. If it be for the purpose of offering further evidence, the application shall briefly state the nature and purpose of such evidence. If it be that the findings of fact and conclusions of law are alleged to be erroneous, a brief statement must be made of the grounds of error. Upon receipt of such application, the Commission will exercise its discretion as to re-opening the case.



### Applications By Public Utilities.

Should any public utility desire to change, alter, modify or extend any rate, toll, charge, rule, regulation or service, which, by the provisions of the laws of the State, may not be changed except upon authorization from the Commission, application shall be made to the Commission, and, and such application shall set forth explicitly the nature thereof, and the Commission shall either grant or decline such application. In case of refusal, however, the utility affected may petition the Commission for a public hearing, and decision thereon will be rendered in the same manner as decisions in cases upon complaint.

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For the reason that the Public Service Commission of Montana was created in March of this year, the first complete annual report will be made year ending November 30th, 1914. Since the enactment of Chapter 52, Session Laws of 1913, the work of the Commission has been chiefly in the perfection of an organization to effectually carry out its provisions. To this end it has been essential to assemble a vast amount of data on which to establish a working basis, and intelligently analyze the service rendered, as well as the schedules of rates, rules and regulations of the various utilities embraced. Uniform Classifications of Accounts have been prepared in accordance with Section 7 (a) and placed in the hands of all public utilities, the same becoming effective July 1st, 1913, and from such accounting, the first annual reports to the Commission will be made for fiscal year ending June 30, 1914, the forms of said annual reports are now being gotten out by the printers as fast as the volume of work will permit.

The utilities of the State coming within the jurisdiction of the Commission are as follows:

## TELEPHONE UTILITIES.

Location.	Company.
Adel .....	Adel Telephone Company.
Anaconda .....	Anaconda-Big Hole Tel. Co. Exchange, Montana Independent Tel. Co. Exchange, Mountain States Tel. Co. Southern Montana Tel. Co.
Armstead .....	Armstead Telephone Co.
Baker .....	Baker Telephone Co.
Ballantine .....	Home Telephone Co.
Basin .....	Exchange, Mountain States Tel. Co.
Bearcreek .....	Exchange, Billings Automatic (Montana Ind.)
Belfry .....	Montana, Wyoming & Southern Ry. Co., (Telephone Service).
Belgrade .....	Exchange, Mountain States Tel. Co. Exchange, State Telephone Co. (Montana Ind.)
Belt .....	Exchange, Mountain States Tel. Co. Belt to Tiger Butte Tel. Co.
Big Fork .....	Exchange, Northern Idaho & Montana Power Co. (Telephone Service).
Big Timber .....	Exchange, Mountain States Tel. Co. Exchange Home Tel. Co., (Mont. Ind.).
Billings .....	Billings Automatic Tel. Co. (Montana Ind.) Exchange, Mountain States Tel. Co.
Boulder .....	Exchange, Montana Independent Tel. Co. Exchange, Mountain States Tel. Co.
Bozeman .....	Exchange, Mountain States Tel. Co. Exchange, State Telephone Co. (Montana Ind.)
Bridger .....	Exchange, Mountain States Tel. Co.
Butte .....	Montana Independent Tel. Co.

## Branch Companies:

Billings Automatic Telephone Co.  
Great Falls Automatic Tel. Co.  
Helena Automatic Tel. Co.  
Montana Telephone Co.  
Montana Co-operative Tel. Co.  
State Telephone Co.

## Exchanges of Above Companies:

Anaconda	Helena
Bearcreek	Joliet
Belgrade	Laurel
Billings	Logan
Boulder	Manhattan
Bozeman	Missoula
Butte	Red Lodge
Cascade	Salesville
Conrad	Three Forks
Deer Lodge	Valier
Drummond	Whitehall
Fromberg	Stevensville
Hamilton	

Butte .....	Exchange, Mountain States Tel. Co.
Cascade .....	Great Falls Automatic Co. (Montana Ind.)
Chester .....	Chester Telephone Co. Marias River Telephone Co.
Chinook .....	Chinook-Cleveland Telephone Co. Co-operative Telephone Co. Exchange, Moore Telephone Co. North Fork Telephone Co.
Choteau .....	Exchange, Mountain States Tel. Co.
Clyde Park .....	Exchange, Mountain States Tel. Co.

Location.	Company.
Coburg .....	Exchange, Moore Telephone Co.
Columbia Falls ..	Exchange, Northern Idaho & Montana Power Co. (Telephone Service).
Columbus .....	Exchange, Mountain States Tel. Co.
Conrad .....	Exchange, Montana Tel. Co. (Montana Ind.) Exchange, Mountain States Tel. Co.
Culbertson .....	Exchange, Dakota-Western Telephone Co.
Darby .....	Exchange, Mountain States Tel. Co.
Deer Lodge .....	Exchange, Montana Independent Tel. Co. Exchange, Mountain States Tel. Co.
Dillon .....	Centennial Telephone Co. East Side Telephone Co. Exchange, Mountain States Tel. Co. Southern Montana Tel. Co. West Side Telephone Co.
Dixon .....	Exchange, Mountain States Tel. Co.
Dodson .....	Exchange, Moore Telephone Co.
Drumond .....	Exchange, Montana Independent Tel. Co.
Ekalaka .....	Ekalaka Telephone Co.
Eureka .....	Eureka Mutual Telephone Co.
Fishtail .....	West Rosebud Co-operative Tel. Co.
Fort Benton ....	Benton-Highwood Telephone Co. Exchange, Mountain States Tel. Co.
Forsyth .....	Exchange, Mountain States Tel. Co.
Fraser .....	Exchange, Moore Telephone Co.
Fromberg .....	Exchange, Billings Automatic Tel. Co. (Montana Independent).
Glasgow .....	Moore Telephone Co.

**Exchange Systems:**

Chinook	Saco
Coburg	Savoy
Dodson	Tampico
Fraser	Vandalla
Glasgow	Wagner
Harlem	Whatley
Havre	Wlota
Hinsdale	Wolf Point
Malta	Wooldridge
Nashua	Yantic
Oswego	
Glendive .....	Glendive Heat, Light & Power Co. (Telephone Service).
Great Falls .....	Exchange, Mountain States Telephone Co.
Hamilton .....	Exchange, Montana Independent Tel. Co. Exchange, Mountain States Telephone Co.
Hardin .....	Big Horn Telephone Co.
Harlem .....	Harlem Telephone Co. Exchange, Moore Telephone Co.
Harlowton .....	Meagher County Telephone Co.
Havre .....	Havre-Box Elder Telephone Co. Exchange, Moore Telephone Co. Northern Montana Telephone Co. Havre Electric Co. (Telephone Service).
Helena .....	Mountain States Telephone Co.

**Exchange Systems:**

Anaconda	Hobson
Basin	Laurel
Belgrade	Lewistown
Belt	Livingston
Big Timber	Manhattan
Billings	Miles City

Location.	Company.
Boulder	Missoula
Bozeman	Moore
Bridger	Phillpsburg
Butte	Plains
Chouteau	Red Lodge
Clyde Park	Sheridan
Columbus	Stanford
Conrad	Stevensville
Darby	Thompson Falls
Dillon	Three Forks
Dixon	Townsend
Deer Lodge	Twin Bridges
Forsyth	Valier
Fort Benton	Victor
Great Falls	Virginia City.
Hamilton	
Heiema	
Hilger	
Hilger .....	Exchange, Mountain States Telephone Co.
Hill .....	Sweetgrass Hills Telephone Co.
Hinsdale .....	Farmers Telephone Co.
	Exchange, Moore Telephone Co.
Hobson .....	Exchange, Mountain States Telephone Co.
Huntley .....	Riverside Telephone Co.
Ismay .....	Earlingburt Merc. Co. (Telephone Service).
Joliet .....	Carbon County Telephone Co.
	Exchange Billings Automatic Tel. Co. (Montana Independent).
Kallispell .....	Northern Idaho & Montana Power Co. (Telephone Service).
<b>Exchange Systems:</b>	
	Big Fork
	Columbia Falls
	Kalispell
	Polson
	Somers
	Whitefish
Laurel .....	Exchange, Billings Automatic Telephone Co., (Montana Independent).
	Exchange, Mountain States Telephone Co.
Lee .....	Rosebud Mutual Telephone Co.
Lewistown .....	Exchange, Mountain States Telephone Co.
Libby .....	Libby Telephone Co.
Livingston .....	Exchange, Mountain States Telephone Co.
Logan .....	Exchange, Montana Independent Tel. Co.
Malta .....	Malta-Zortman Telephone Co.
	Exchange, Moore Telephone Co.
Manhattan .....	Exchange, Mountain States Telephone Co.
	Exchange, State Telephone Co. (Montana Ind.)
Marysville .....	Inter Mountain Telephone Co.
Miles City .....	Exchange, Mountain States Telephone Co.
Missoula .....	Exchange, Montana Independent Telephone Co.
	Exchange, Mountain States Telephone Co.
Moore .....	Exchange, Mountain States Telephone Co.
Nashua .....	Exchange, Moore Telephone Co.
Oswego .....	Exchange, Moore Telephone Co.
Phillpsburg .....	Flint Creek Telephone Co.
	Exchange, Mountain States Telephone Co.
Plains .....	Exchange, Mountain States Telephone Co.
Polson .....	Exchange, Northern Idaho & Montana Power Co.
Pony .....	Citizens Telephone Co.
Red Lodge .....	Exchange, Billings Automatic Tel. Co., (Montana Ind.)
	Exchange, Mountain States Telephone Co.

Location.	Company.
Roundup .....	Billings-Musselshell Telephone Co.
Saco .....	Exchange, Moore Telephone Co.
St. Peter .....	Sullivan Valley Telephone Co.
Salesville .....	Exchange, State Tel. Co., (Montana Independent).
Salmon City, Ida.	Lemhi Telephone Co. (Part in Montana).
Savoy .....	Exchange, Moore Telephone Co.
Sheridan .....	Exchange, Mountain States Telephone Co.
Sidney .....	Water Users Electric Co., (Telephone Service).
Somers .....	Exchange, Northern Idaho & Montana Power Co., (Telephone Service).
Stanford .....	Exchange, Mountain States Telephone Co.
Stevensville .....	Exchange, Montana Independent Tel. Co. Exchange, Mountain States Telephone Co.
Tampico .....	Exchange, Moore Telephone Co.
Terry .....	Alfred Wright Telephones.
Three Forks .....	Exchange, Montana Independent Telephone Co. Exchange, Mountain States Telephone Co.
Thompson Falls ..	Exchange, Mountain States Telephone Co.
Townsend .....	Exchange, Mountain States Telephone Co.
Troy .....	Troy Telephone Co.
Twin Bridges ....	Exchange, Mountain States Telephone Co.
Valier .....	Exchange, Montana Tel. Co. (Montana Independent). Exchange, Mountain States Telephone Co.
Vandalia .....	Exchange, Moore Telephone Co.
Victor .....	Exchange, Mountain States Telephone Co.
Virginia City ....	Exchange, Mountain States Telephone Co.
Wagner .....	Exchange, Moore Telephone Co.
Whately .....	Exchange, Moore Telephone Co.
Whitefish .....	Exchange, Northern Idaho & Montana Power Co., (Telephone Service).
Whitehall .....	Exchange, Mont., Co-operative Tel. Co., (Montana Ind.).
Wiota .....	Exchange, Moore Telephone Co.
Wolf Point .....	Exchange, Moore Telephone Co.
Wooldridge .....	Exchange, Moore Telephone Co.
Worden .....	Farmers Telephone Co.
Yantic .....	Exchange, Moore Telephone Co.

## ELECTRIC LIGHT AND POWER.

Alder .....	Branch, Montana Power Co.
Alhambra .....	Branch, Montana Power Co.
Anaconda .....	Anaconda Copper Mining Co.
Belgrade.....	Branch, Montana Power Co.
Belt .....	Branch, Great Falls Power Co., (Montana Power Co.).
Blg Fork .....	Branch, Northern Idaho & Montana Power Co., (Electric Service).
Big Sandy .....	Branch, Great Falls Power Co., (Montana Power Co.).
Big Timber .....	Branch, Montana Power Co.
Billings .....	Branch, Montana Power Co.
Boulder .....	Branch, Montana Power Co.
Bozeman .....	Branch, Montana Power Co.
Bridger .....	Bridger Coal & Improvement Co.
Butte .....	Montana Power Co. General.

## Branches at:

Alder	Laurin
Alhambra	Lewistown
Belgrade	Livingston
Belt	Manhattan
Big Sandy	Moccasin
Big Timber	Moore
Billings	Park City.

Location.	Company.
Boulder	Radersburg
Bozeman	Rocker
Butte	Sand Coulee
Cascade	Sheridan
Clancy	Stanford
Columbus	Stockett
Conrad	Thompson Falls
Great Falls	Three Forks
Gregson	Townsend
Hobson	Twin Bridges
Laurel	Whitehall
Butte .....	Branch, Montana Power Co.
Cascade .....	Branch, Montana Power Co.
Chinook .....	Chinook Light & Power Co.
Choteau .....	Choteau Light & Power Co.
Clancy .....	Branch, Montana Power Co.
Columbia Falls ..	Branch, Northern Idaho & Montana Power Co.
Columbus .....	Branch, Montana Power Co.
Conrad .....	Conrad Electric & Power Co., (Montana Power Co).
Deer Lodge .....	Deer Lodge Electric Co.
Dillon .....	Union Electric Co.
Eureka .....	Eureka Lumber Co. (Electric Service).
Fairview .....	Williston Mill Co. (Electric Service).
Forsyth .....	Forsyth Electric Light & Power Co.
Fort Benton .....	Benton Electric Light Co.
Gardiner .....	Gardiner Electric Light & Water Co.
Glasgow .....	Glasgow Water & Light Co.
Glendive .....	Glendive Heat, Light & Power Co.
Gregson .....	Branch, Montana Power Co.
Gould .....	Landers Power Co. (in construction).
Great Falls .....	Great Falls Power Co. (Montana Power Co.)
	Branch, Montana Power Co.
Harlowton .....	Harlowton Light & Water Co.
Havre .....	Havre Electric Co.
Helena .....	Helena Light & Railway Co. (Electric Service).
Hobson .....	Branch, Montana Power Co.
Ismay .....	Earlingburt Merc. Co. (Electric Service).
Kalispell .....	Northern Idaho & Montana Power Co.,

**Branches:**

Big Fork	Polson
Columbia Falls	Whitefish
Kalispell	
Laurel .....	Branch, Montana Power Co.
Laurin .....	Branch, Montana Power Co.
Lewistown .....	Lewistown Electric & Power Co. (Montana Power Co.).
Libby .....	Libby Water Works & Electric Light Co.
Lima .....	Oregon Short Line, (Electric Service).
Livingston .....	Branch, Montana Power Co.
Manhattan .....	Branch, Montana Power Co.
Miles City .....	Miles City Light & Power Co.
Missoula .....	Missoula Light & Water Co.
Moccasin .....	Branch, Montana Power Co.
Moore .....	Branch, Montana Power Co.
Neihart .....	Neihart Water & Electric Light Co.
Park City .....	Branch, Montana Power Co.
Philpsburg .....	Bowen Bros., Electric Light & Power Co.
Plains .....	Plains Light & Water Co.
Polson .....	Branch, Northern Idaho & Montana Power Co.
Pony .....	Pony Electric Light Co.
Radersburg .....	Branch, Montana Power Co.

Location.	Company.
Red Lodge .....	Northwestern Improvement Co.
Rocker .....	Branch, Montana Power Co.
Roundup .....	Roundup Coal Mining Co.
Sand Coulee .....	Branch, Great Falls Power Co., (Montana Power Co.).
Sheridan .....	Branch, Montana Power Co.
Stanford .....	Branch, Great Falls Power Co., (Montana Power Co.).
Stockett .....	Branch, Great Falls Power Co., (Montana Power Co.).
Thompson Falls...	Thompson Falls Power Co., (Montana Power Co.).
Three Forks .....	Branch, Montana Power Co.
Townsend .....	Branch, Montana Power Co.
Twin Bridges ...	Branch, Montana Power Co.
Virginia City ...	Economy Power Co.
Wibaux .....	Wibaux Improvement Co.
Whitehall .....	Branch, Montana Power Co.
Whitefish .....	Branch, Northern Idaho & Montana Power Co.
White Sul. Spgs..	C. H. Sherman.

## WATER UTILITIES.

Location.	Company.
Anaconda .....	Anaconda Copper Mining Co.
Bearcreek .....	Bearcreek Water & Light Co.
Belgrade .....	Belgrade Water Co.
Big Fork .....	Northern Idaho & Montana Power Co., (Water Service).
Big Timber .....	Municipal.
Billings .....	Montana Water Co.
Bozeman .....	Municipal.
Bridger .....	Bridger Coal & Improvement Co.
Butte .....	Butte Water Co.
Chester .....	Municipal.
Chinook .....	Municipal.
Columbia Falls ..	J. A. Talbott.
Columbus .....	Columbus Land & Water Co.
Conrad .....	Municipal.
Deer Lodge .....	Citizens Water Co.
Dillon .....	Municipal.
Eureka .....	Municipal.
Forsyth .....	Municipal.
Fort Benton .....	Municipal.
Gardiner .....	Gardiner Electric Light & Water Co.
Glasgow .....	Glasgow Water & Light Co.
Glendive .....	Municipal.
Great Falls .....	Municipal.
Hamilton .....	Missoula Light & Water Co.
Harlem .....	Municipal.
Harlowton .....	Municipal.
Havre .....	Municipal.
Helena .....	Municipal.
Joliet .....	Joliet Water Co.
Kalispell .....	Municipal.
Lewistown .....	Municipal.
Libby .....	Libby Water Works & Electric Light & Power Co.
Lima .....	Oregon Short Line.
Little Chicago,	
(Great Falls)...	Anaconda Copper Mining Co.
Livingston .....	Livingston Water Co.
Manhattan .....	Municipal.
Marysville .....	Beuschlein Water Worsk.
Miles City .....	Municipal.
Missoula .....	Missoula Light & Water Co.
Moore .....	Municipal.
Neihart .....	Neihart Water Co.

Location.	Company.
Plains .....	Plains Light & Water Co.
Phillipsburg .....	Municipal.
Polson .....	Northern Idaho & Montana Power Co., (Water Service).
Pony .....	Privately owned.
Red Lodge .....	Municipal.
Roundup .....	Roundup Water Co.
Sheridan .....	Sheridan Water Co.
Thompson Falls ..	Thompson Falls Water Co.
Townsend .....	Municipal.
Virginia City ....	Virginia City Water Co.
Whitefish .....	Municipal.
White Sul. Spgs..	Municipal.

**GAS UTILITIES.**

Location.	Company.
Billings .....	Billings Gas Company.
Butte .....	Montana Power Co., (Gas Service).
Great Falls .....	Great Falls Gas Co.
Helena .....	Helena Light & Railway Co., (Gas Service).
Missoula .....	Missoula Gas Company.

**HEATING UTILITIES.**

Location.	Company.
Billings .....	Billings Mutual Heating Co.
Butte .....	Montana Power Co.
Glendive .....	Glendive Heat, Light & Power Co.
Hamilton .....	Valley Mercantile Co.
Havre .....	Havre Electric Co.
Missoula .....	Missoula Light & Water Co.

**TELEGRAPH.**

Main Office.	Company.
Butte .....	Continental Telegraph Co.
Helena .....	Postal Telegraph-Cable Co.
Helena .....	Western Union Telegraph Co.

**STREET RAILWAY SERVICE.**

Location.	Name of Company.
Anaconda .....	Anaconda Copper Mining Co.
Billings .....	Billings Traction Company.
Bozeman .....	Gallatin Valley Railway Co.
Butte .....	Butte Electric Railway Co.
Great Falls .....	The Montana Power Co.
Helena .....	The Helena Light & Railway Co.
Missoula .....	Missoula Street Railway Co.



BEFORE THE PUBLIC SERVICE COMMISSION OF  
MONTANA.

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Docket No. 372.

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F. J. EDWARDS,  
FRED NAEGELE, and  
THE CITY OF HELENA,

Complainants.

vs.

THE HELENA LIGHT & RAILWAY COMPANY,

Defendant.

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IN THE MATTER OF Alleged Excessive, Unreasonable and  
Discriminatory Rates and Practices in the Furnishing of  
Electricity in the City of Helena.

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HEARING, July 7th to 14th, 1913.  
DECIDED, November 3d, 1913.

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REPORT AND ORDER OF THE COMMISSION  
Number 74.

This case was originally set for hearing April 29th, on complaint of F. J. Edwards and Fred Naegele, at which time it appearing to the Commission that complainant were unprepared to proceed for lack of testimony, and the further fact that the city expressed an interest in the proceedings, it was continued until the 24th day of June, and the city then and there cited to intervene and present its testimony at the same time and place. Further continuance was granted at the request of the city, and hearing was regularly held at Helena, Montana, commencing July 7th, and concluding July 14th, 1913.

REPRESENTED:

Complainants ..... By Edward Horsky,  
H. S. Hepner.  
Defendant ..... " Wm. Wallace, Jr.  
John G. Brown.

COMMISSIONERS:

Boyle,  
Morley,  
Hall.

Complainants allege that the rates, rules and practices of defendant are unreasonable, unjust and discriminatory insofar as it furnishes commercial electricity, and therefore in violation of Chapter 52, Session Laws 1913. Relief is sought.

Defendant is a corporation having its principal office located in the city of Helena, and in addition to furnishing electric current for lighting, power, etc., also owns and operates the Helena Street Railway System and Gas Plant, all under one management. Defendant denies the material allegations of the complaint and prays for an order of the Commission granting the right to advance its present rates to a more remunerative basis.

In addition to the regular schedules, it was found that there were in effect various special rates covered by contract and otherwise, lower than these schedules, which complainants averred operated to the detriment of the general cause, and forced the necessity of higher rates upon other consumers who were not favored. Section 12, Chapter 52, Laws of 1913, however, prohibits this Commission from taking such action as would "have the effect of suspending, rescinding, invalidating, or in any way affecting existing contracts."

The volume of testimony offered in this case covers nearly six hundred pages, and for the greater part has to do with "The value of the property involved," "A reasonable return upon the investment," and "A consistent basis of rate making." As to the first named, the physical valuation (reproduction, new, at the present time) of defendant's property used and useful, in the supplying of electricity only, as determined by engineers employed by complainants, the Commissioner's engineers, and as reported by the defendant, are not greatly at variance. These estimates do not include intangible values such as franchises, organization, cash, etc., but simply the cost of reproduction, new, and for all practical purposes, may be placed at \$250,000.00. Whether or not the valuation thus obtained is subject to depreciation, and, if so, to what extent, is a matter of expert opinion, depending upon the amount expended for maintenance, renewals and permanent improvement work; the period during which such amounts were expended, and in general, the "state of repair" of the property. It will be obvious that there can be no fixed percentage of depreciation applicable to a utility that

had been "kept up" from year to year by constant effort, and the purchase of improved devices, as compared with one that had been allowed to deteriorate through neglect, hence the principle of an arbitrarily established measure of depreciation is untenable.

Assuming that rates were being made for a new plant, it would be the total capital that must be considered as entitled to bear interest, as there would be no accrued depreciation. Depreciation is a liability against the property, which must be accounted for, but in making allowance for future depreciation, it is not the intention to provide for accrued depreciation, which it is assumed, has been taken care of. To simplify the matter, let us assume that an investment is made in 1903 of \$100,000 under a twenty year franchise, rate of interest allowable 10% per annum, and figuring 5% per annum depreciation. At the end of ten years, or in 1913, the property will have depreciated \$50,000 and has a remaining value of a like amount. Then, if rates are made, based on the depreciated value, they must be **one-half** of the original rates, although the service may be just as efficient as it ever was, and in ten years more, the physical value of the plant would be nil, and likewise upon the same basis of reasoning, the utility would not be permitted to charge anything.

The Commission cannot, however, determine this question upon a physical or other valuation of the entire holdings of respondent, for the reason that no valuations have been made except for the electrical department. We must, therefore, confine ourselves to what would constitute reasonable rates for the service rendered, in view of the evidence submitted and secured by the Commission's investigations. Valuation of tangible property devoted to the cause at issue is a factor in an investigation of this nature, but the Commission is not convinced that it is the sole factor for the purpose of rate making. There are other things to be considered as well. The relation of one department to the other; the company's obligations to the public, and its security holders; the present physical condition of the property; the quality of the service; its unit of management, and the value of its rights and privileges under the terms of its franchise, and in this particular case the fact that the defendant must pay to the city a cash bonus of approximately

\$5,800.00 per year, are all matters that must be dealt with.

Complainants were of the opinion that the rates in effect in the city of Billings would be satisfactory in Helena; and it would appear at first thought as though the position might be well taken. Upon a closer observance, however, of the two schedules, it will be noted that while the Billings scale is generally lower, the minimum charge is \$2.00 per month, net, while the Helena residence minimum is \$1.00 less 10% and 10% discount, or 80c. To intelligently consider the effect it is necessary to take into consideration the consumption by blocks and the average number of users of electricity who do not use up or exceed the minimum charge. This having been done, it is quite apparent that the adoption of the Billings schedules would not prove satisfactory, inasmuch as the burden is thrown to a very great extent upon the small consumer. The Commission is frank to say in this connection that the residence minimum of 80 cents net in Helena does not compensate the utility for its average cost to serve per customer, while on the other hand, the business minimum of \$1.60 net, we consider, is too high. There has been no argument presented, nor do we think it is defensible to make a higher minimum for business than for residence service. In the general adjustment of a rate situation, where there exists a lack of uniformity, it would not be possible to prescribe a schedule of rates that would not have the effect of advancement in certain individual cases, and in arriving at its conclusions the Commission has not been unmindful of the fact that in some instances the cost to the consumer will be increased, while on the whole the people of Helena will be benefited approximately \$30,000.00 per year, as compared with 1912.

As to the rates charged the city at the present time, there is little that can be said. We are of the opinion that the city and the company are bound by the contractual provisions of its franchise; we are also of the opinion and so hold, that the rates charged by defendant (other than to the city of Helena, are unreasonable to the extent that they exceed the rates named in the schedules attached hereto.

**ORDER.**

WHEREFORE, this case being at issue upon complaint and answer filed, and having been duly heard and submitted by the parties hereto, and a full investigation of the matters and things involved having been had, and the Commission on the date hereof, having made its report containing its findings of fact and conclusions thereon, which said report is made a part hereof,

IT IS ORDERED, That the Helena Light & Railway Company shall publish and put in force and effect from and after the third day of November, 1913, the rates, rules and regulations named in the attached schedules, which are made a part of this Order, and the same shall so remain in effect until the further order or approval of this Commission.

The Secretary is directed to serve upon the parties hereto, a true and certified copy of this Report and Order, and to obtain acknowledgment thereof.

PUBLIC SERVICE COMMISSION OF MONTANA.

By R. F. McLAREN, Secretary.

Helena, Montana, November 3rd, 1913.

## Schedule "A."

## RESIDENCE RATES.

First	....	50	kilowatt	hours	used	per	month	at	11c	per	kilowatt	hour.
Next	....	50	"	"	"	"	"	"	10c	"	"	"
"	....	100	"	"	"	"	"	"	9c	"	"	"
"	....	300	"	"	"	"	"	"	7½c	"	"	"
"	....	500	"	"	"	"	"	"	6c	"	"	"
"	....	1000	"	"	"	"	"	"	5c	"	"	"
All Additional			"	"	"	"	"	"	3c	"	"	"

To the above rates 5% will be added if bill is not paid on or before the 10th day of the following month.

Monthly minimum charge to be \$1.00, and 5% will be added if not paid on or before the 10th day of the following month:

If the number of lamps or sockets connected exceed 20, the monthly minimum charge shall not be less than a sum equal to 5 cents for each 60 watt lamp equivalent and each empty socket.

The above rate includes free renewals, under the Rules and Regulations of the company, of all standard Edison and Westinghouse carbon filament and metalized filament (gem) lamps.

The company shall upon request install a meter except when no more than 120 watts are connected for use from dusk until midnight only. The charge for such lighting service will be \$1.00 per month net for each 60 watts installed.

Residence rates to apply to living or sleeping rooms in business blocks.

No charge shall be made for setting and removing meters.

Company shall have right to require a deposit of \$2.50 as a guarantee for payment of bills. Interest at the rate of 6% per annum will be paid on all deposits.

## Schedule "B."

## BUSINESS RATES.

First	....	100	kilowatt	hours	used	per	month	at	10c	per	kilowatt	hour.
Next	....	100	"	"	"	"	"	"	9c	"	"	"
"	....	300	"	"	"	"	"	"	7½c	"	"	"
"	....	500	"	"	"	"	"	"	6c	"	"	"
"	....	1000	"	"	"	"	"	"	5c	"	"	"
All excess..			"	"	"	"	"	"	3c	"	"	"

To the above rates 5% will be added if bill is not paid on or before the 10th day of the following month.

Monthly minimum charge to be \$1.00, and 5% will be added if not paid on or before the 10th day of the following month:

If the number of lamps or sockets connected exceed 20, the monthly minimum charge shall not be less than a sum equal to 5 cents for each 60 watt lamp equivalent and each empty socket,

but in no event shall such minimum monthly charge exceed \$7.50.

The above rate includes free renewals, under the Rules and Regulations of the company, of all standard Edison and Westinghouse carbon filament and metalized filament (gem) lamps.

The company shall upon request install a meter except when no more than 120 watts are connected for use from dusk until midnight only. The charge for such lighting service will be \$1.00 per month net for each 60 watts installed.

No charge shall be made for setting and removing meters.

Company shall have the right to require a deposit of a sum equal to estimated bill for one and one-half months as a guarantee for payment of bills. Interest at the rate of 6% per annum will be paid on all deposits.

#### **Schedule "C."**

##### **Readiness to Serve Rate.**

(Optional.)

Fixed charge of 25c per month per 60 watts installed and 5c per kilowatt hour for all current used.

The fixed charge is net.

To the current charge 5% will be added if bill is not paid on or before the 10th day of the following month.

Monthly minimum charge to be \$1.00 net and 5% will be added if not paid on or before the 10th day of the following month.

The above rate includes free renewals, under the Rules and Regulations of the company, of all standard Edison and Westinghouse carbon filament and metalized filament (gem) lamps.

This rate applies only to yearly contracts.

#### **Schedule "D."**

##### **Heating and Cooking Rates.**

4c per Kilowatt Hour.

Minimum charge \$1.00 per month net on an installation of ranges and water-heaters having a total capacity of 2 k. w. or more. Electrical household appliances, other than for lighting, may be connected on the same meter. To the minimum charge and to the current charge 5% will be added if bill is not paid on or before the 10th day of the following month.

All wiring between meter and appliances must be enclosed in iron conduit.

Separate meter is required.

### Schedule "E." Industrial Power.

Alternating current motors, \$1.00 per month per horse-power.

Direct current motors, \$1.50 per month per house-power, connected, plus the following sliding scale rate per kilowatt-hour; provided, however, the demand or service charge on D.-C. motors now connected shall be \$1.00 per month per horse power, plus the regular sliding scale rate for current shown on the following schedule :

Horse Power.	Rate per Kilowatt-hour.
1 or less .....	\$ .028
2 .....	.027
3 .....	.026
5 .....	.025
7½ .....	.023
10 .....	.021
15 .....	.019
20 .....	.017
25 .....	.016
35 .....	.014
50 .....	.0116
75 .....	.0098
100 .....	.0087
125 .....	.0080
150 .....	.0074
175 .....	.0071
200 .....	.0068
300 .....	.0061
500 .....	.0055
750 .....	.0051
1000 .....	.0050
2000 .....	.0048
3000 .....	.0047
5000 .....	.0046
10000 .....	.0045

If the connected load does not correspond exactly with any load listed in the table, the next smaller number of horse-power is to be used in determining the kilowatt-hour rate.

In cases where the connected horse-power on individual motors is materially larger than the maximum demand, the charge may be based on a smaller number of horse-power more nearly corresponding with the actual maximum demand, providing that the maximum demand on which the fixed charge per horse-power is based is not less than 50% of the installed capacity.



Where the installation consists of a large number of motors and the load is of such character that the maximum demand bears no definite relation to the connected load, a curve drawing watt meter should be installed and the charge based upon the maximum demand shown by this meter, together with the kilowatt-hours shown by a watt-hour meter.

This rate applies to industrial power only, save that industrial lighting requisite in connection with the particular power installation may be connected to the extent of 3% of the connected power load when the monthly demand is in excess of 25 horse-power.

The above rates at net.

Motor installations aggregating two horse-power or more are subject to the above rate.

The minimum monthly charge in no event will be less than \$2.00 net for A.-C. motors and \$3.00 net for D.-C. motors.

Minimum monthly charge for D.-C. motors now connected shall be \$2.00 net.

Schedule "F."

Sign, Exterior and Window Lighting.

A flat monthly rate for current for signs, exterior and window lighting will be made.

This rate will be computed on basis of number of hours use, total watts connected and the following rate per kilowatt hour:

Service up to 11 o'clock, P. M.....	8c	per	kilowatt	hour
" " " 12 " midnight .....	7c	"	"	"
" " " 1 " or later .....	6c	"	"	"

No lamp renewals will be furnished under this rate, except that company will replace low voltage sign lamps on basis of 2c per kilowatt hour.

Company will furnish automatic cutout switches for this service.

This rate is for yearly contracts.

**TELEPHONE SERVICE, TOWNSEND, MONTANA.**

Informal complaint was made to the Commission July 31st, 1913, by Charles P. Cotter, county attorney, Broadwater county, representing the people of Townsend, enclosing copy of the following notice:

"Notice is hereby given that on and after August 1st, 1913, telephone service will be given through our local exchange only between the hours of 5:30 A. M. and 11:30 P. M.

(Signed) THE MOUNTAIN STATES TELEPHONE  
& TELEGRAPH COMPANY."

The authority for this curtailment of service had not been given by the Commission, nor had application by the telephone company been made so requesting. The Public Service Commission Law of Montana became effective March 4th, 1913, and provides that "No change shall thereafter be made in any schedule \* \* \* \* except upon twenty days' notice to the Commission \* \* \* \* provided, however, that no advance or reduction of existing schedules shall be made without the concurrence of the Commission."

Upon receipt of this complaint the matter was at once taken up with the telephone company, citing the provisions of the Public Service Law as above, and requesting that continuous or twenty-four hour service be restored at once. This was done and the investigation developed the fact that the telephone company did not have a clear understanding of the requirements and was not fully aware that a reduction in the hours of service required the sanction of the Commission. The complaint was dismissed upon the restoration of the old schedule.

RESIDENTS, TAXPAYERS AND ELECTORS OF THE  
CITY OF KALISPELL

vs.

NORTHERN IDAHO &amp; MONTANA POWER COMPANY.

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Docket No. 384.

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IN THE MATTER OF Alleged Unjust and Unreasonable  
Rates Charged for Water in the City of Kalispell.

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By complaint filed with the Commission May 19th, 1913, it was alleged "That the charges at the present time for water by the said corporation are unfair, unjust and unreasonable, and therefore in violation of the provisions of said Chapter 52, Laws of 1913." Petitioners prayed for relief. Answer of defendant denied all of the allegations of the complaint and accordingly petitioned that the proceedings be dismissed.

This case was set for hearing at Kalispell on the 28th day of July, at which time it appearing to the Commission that the parties complainant were not prepared to offer evidence in support of the allegations, the hearing was continued until the 6th day of October, 1913. It developed that the city of Kalispell contemplated the purchase of the water system, and on the 26th day of September, by a vote of the taxpayers, the city accepted the power company's proposition and purchased the plant for the sum of \$142,500.00. Whereupon the complainants requested that the petition be withdrawn, and the proceeding was therefore dismissed.

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**CHAPTER 44,**  
**Session Laws 1913.**

"An Act to improve conditions affecting the health of certain workmen engaged in operating street railway cars or trolley cars; and providing for the heating of street car or trolley car vestibules during certain seasons."

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY  
OF THE STATE OF MONTANA;**

Section 1. From and after November 1st, 1913, it shall be unlawful for any corporation, person or association, owning or controlling or operating any street railway, electric car or trol-

ley car within the State of Montana, to run or operate its cars in the regular service of carrying passengers, during the months of November, December, January, February and March, without first providing that the vestibule of such cars shall be heated in the same manner as the interior of said cars at all times.

Section 2. Any corporation, person or association, owning, controlling or operating any street railway, electric railway or trolley car, failing to comply with the provisions of this Act shall be liable to a fine of ten (\$10.00) dollars per car for each day operated in violation of the provisions of this Act.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 1, 1913.

## CHAPTER 80.

### Session Laws, 1913.

"An Act to promote the Safety of Passengers and Employees on Street Railway Cars and Trolley Cars, and to provide for the use of certain Safety Appliances on all street railway cars or trolley cars used in regular service of conveying passengers in this State, and prescribing penalties for failure to comply with the provisions of this Act."

## BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. On or about September 1st, 1913, all double truck street railway, electric or trolley cars, so called, conveying passengers in the State of Montana shall be fitted with at least two independently operating brakes, one of which must be mechanical, such as airbrake, electric short circuiting brake or electric magnetic brake.

Section 2. Any corporation or person owning and operating street railway cars, electric or trolley cars, failing to comply with the provisions of this Act, shall be liable to a fine of ten (\$10.00) dollars per car for each day operated without such equipment.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after September 1st, 1913.

Approved March 13, 1913.

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**CHAPTER 104,**

**Session Laws, 1913.**

"An Act to amend Section 1728 of the Revised Codes of the State of Montana of 1907, with reference to the regulation for the protection of street car employees."

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY  
OF THE STATE OF MONTANA:**

Section 1. That Section 1728 of the Revised Codes of 1907 of Montana be and the same is hereby amended to read as follows: From and after said November first, A. D. 1913, it shall be unlawful for any person or persons, partnership or corporation, so owning or operating street railways using steam, electric or cable cars, or any superintendent or managing officer or agent thereof, to cause or to permit to be used upon such line of railway, between the said November first and May first of each and every year, any car or cars upon which the services of any employee such as specified in Section 1 of this Act is required, unless such car or cars shall be provided with the enclosure required by said Section 1728 (1) of this Act. Except that the type of cars known as open cars or summer cars must be equipped with wind shield constructed of glass, iron and wood or other suitable material to extend completely across front of said car or cars to protect such employees from exposure to the inclemencies of the weather.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 15, 1913.

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**PART VI.**  
**MISCELLANEOUS**

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### PERSONNEL OF THE BOARD.

At the general election November 5th, 1912, Mr. J. H. Hall was elected railroad commissioner for a term of six years, succeeding Mr. B. T. Stanton, whose term expired January 5th, 1913. Mr. Stanton has been a member of the Commission since its creation in 1907, and has served two terms as chairman. He was not a candidate for re-election. Mr. Stanton's years of experience in commercial lines has rendered his services to the Commission most valuable, and it is with much regret and the kindest feeling that we are now obliged to sever our business relations with him.

Mr. Hall was elected by the following substantial majority:

Hall, J. H. (Democrat) .....	27,406
Faust, L. H. (Republican) .....	20,115
Moore, R. J. (Progressive) .....	17,481
McDermand, R. J. (Socialist) ..	10,972
Total vote cast .....	75,974

Commissioner Boyle's term expires first Monday in January, 1915.

Commissioner Morley's term expires first Monday in January, 1917.

Commissioner Hall's term expires first Monday in January, 1919.

Pursuant to Chapter 4367 of the Revised Codes of Montana, the Board consisting of its full membership, met on the 6th day of January, 1913, and perfected its organization by electing Mr. Boyle chairman, reappointing R. F. McLaren, secretary; O. W. Tong, S. M. Ross, Miss Alma Mohr and Captain N. A. Palmer, as rate clerk, inspector of railroad properties, stenographer and inspector of boats respectively.

Helena, Montana, January 6th, 1913.

### INSPECTION OF RAILROADS.

Commencing September 1st and concluding November 5th, 1913, the Commission made a personal inspection of all lines of railway within the State, accompanied by representatives of the operating and traffic departments of the various roads. The Board did not feel that it could well afford to spare the time, but on account of being unable owing to press or other matters to make an inspection trip in 1912, it was thought necessary and important to do so this year; and we are of the

opinion that these trips should be made annually, if possible. The members of the Commission are enabled in this way to obtain first-hand information as to the development of the various sections of the State; the efforts that are being put forth by the railroads to improve their properties, and in a general way it is a matter of education and information that cannot be gained by any other means.

We have been criticized by some for our affiliations with the officials of the railroads at such times. Montana is a very large State third in size in the union, and to cover it as we have done in a comparatively brief space of time, it is absolutely necessary to travel by special train, and the presence of the railroad representatives, those having directly in hand the work that the Commission has undertaken, is most important if we are to obtain the best results by freely conferring and discussing with these officials the matters and things with which we have had to do, and which will come up for further consideration in the future. We do not feel that we have been contaminated in the least by such associations.



## RAILROAD MILEAGE AND CONSTRUCTION, MONTANA.

The following table, as will be noted, shows a total of 4,388.1 miles of railroad in the State as of June 30th, 1913.

New lines of railroad under construction on that date were reported to the Commission by the respective engineering departments as follows:

<b>CHICAGO, MILWAUKEE &amp; ST. PAUL RY.</b>		
Main Line:	Colorado Jct to Cliff Jct. ....	14.7 miles
Branch Lines:	Hilger to Roy .....	26.3 "
	From the Junction with the Lewistown-Hilger line to Great Falls .....	136 "
	From Great Falls to Agawam.....	66 "
	From the Junction with the Hilger-Roy line to Winnifred .....	23 "
	From the Junction with the Harlowton-Lewistown line to Grass Range .....	36 "
<b>GREAT NORTHERN RY.</b>		
Extension line from Plentywood west.....	45	"
"Great Falls and Teton County Ry."		
from Power to Bynum .....	45	"
Montana Eastern Ry."		
from Snowden to Sidney .....	24	"
from Newlon west .....	28	"
from Lewistown to Grass Range.....	37	"

### Billings & Central Montana Ry.

Mr. R. E. Shepherd, president of the company, in reply to our request for information concerning this new line, says:

"This road is being built expressly to serve the lands under the irrigation system of the Billings Land & Irrigation Company. It is a 'Farmers' road' and is intended to make these lands available for growing sugar beets. It will have terminal facilities in Billings over the tracks of the Northern Pacific and Burlington. \* \* \* Main track owned by company 12.8 miles, 4 short spurs 350 feet long and one siding 600 feet; also one wye with 2200 feet of track."

### Soo Line.

Heretofore the Minneapolis, St. Paul & Sault Ste. Marie Railway Company has had no line in Montana. There is now under construction a branch entering the State in the north-east corner of Sheridan county. Mr. C. M. Kalk, chief engineer, advises the Commission in regard to this work as follows:

"On June 30th grading outfits were constructing this Company's line from its entrance into Montana, in Sec.

13, Township 36 north, Range 56 east, to where it crosses the Big Muddy river in Sec. 36, Township 37 north, Range 51 east, a distance of about 43 miles. It is proposed during this season to complete the grading of this line to a point in Sec. 10, Township 36 north, Range 50 east. The total distance of line to be constructed in Montana is approximately 55 miles. Track laying has been started on this line and it is expected to have the track all laid this fall."

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#### **"Three Forks-Radersburg" Line.**

The Three Forks, Helena & Madison Valley Railroad, as referred to on page 213 of our Annual Report for 1912, is still "under construction." Little work has been done during the past year; it is our understanding, however, that much of the difficulty standing in the way of the promoters of this line has been overcome and that the prospects for the completion of the road are good, at least from Three Forks to Radersburg.

# **MILEAGE OF ALL RAILROADS.** (Not including that under construction.)

## **GREAT NORTHERN RY.**

From.	To	Main Line. (Miles)	Branch Line. (Miles)
Dakota Line .....	Idaho Line .....	691.3	
Great Northern Jct. ....	Great Falls .....	223.4	
Great Falls .....	Shelby .....	97.3	
		<hr/>	
		1012.0	
Bainville .....	Plentywood .....		53.2
Pacific Jct. ....	Great Falls .....		121.5
Great Falls .....	Butte .....		169.3
Lewistown .....	Moccasin .....		30.3
Armington .....	Neihart .....		38.3
Gerber .....	Stockett .....		8.4
Lewis .....	Sand Coulee .....		2.4
Great Falls .....	Black Eagle .....		5.1
Vaughn .....	Gilman .....		40.3
Virden .....	Sweet Grass .....		36.5
Columbia Falls .....	Marion .....		41.0
Kalispell .....	Somers .....		10.5
Rexford .....	Gateway .....		8.9
Great Falls .....	Fair Grounds .....		2.0
Helena .....	Fair Grounds .....		2.0
Mountain View Branch (Butte) .....			3.3
			<hr/>
			571.7

## **NORTHERN PACIFIC RY.**

Dakota Line .....	Idaho Line .....	776.9	
Logan (via Butte) .....	Garrison .....	123.5	
DeSmet (via St. Regis) .....	Paradise .....	93.1	
		<hr/>	
		993.5	
Glendive .....	Sidney .....		54.8
Laurel .....	Red Lodge .....		44.1
Silesia .....	Bridger .....		19.7
Mission .....	Wilsall .....		22.9
Livingston .....	Gardiner .....		54.3
Manhattan .....	Anceney .....		15.1
Great Northern Transfer .....	Elkhorn .....		22.8
Rimini Jct. ....	Rimini .....		16.4
Clough Jct. ....	Marysville .....		12.6
Sappington .....	Norris .....		21.
Harrison .....	Pony .....		6.6
Whitehall .....	Alder .....		45.7
Drummond .....	Phillipsburg .....		25.9
Missoula .....	Darby .....		65.5
St. Regis .....	Lookout (Idaho Line) ..		38.3
			<hr/>
			465.7

## **CHICAGO, MILWAUKEE & ST. PAUL RY.**

Dakota Line .....	Idaho Line .....	734.6	
Harlowton .....	Lewistown .....		61.9
Lewistown .....	Hilger .....		17.8
			<hr/>
			78.7

## RAILROAD COMMISSION OF MONTANA.

213

## CHICAGO, BURLINGTON &amp; QUINCY R. R.

From.	To	Main Line. (Miles)	Branch Line. (Miles)
Wyoming Line .....	Huntley .....	105.0	
Frannie Jct. ....	Fromberg .....		29.9

## OREGON SHORT LINE R. R.

Silver Bow Jct. ....	Idaho Line .....	125.4	
Idaho Line .....	Yellowstone .....		9.5

## BUTTE, ANACONDA &amp; PACIFIC RY.

Butte .....	Southern Cross .....	48.3	
Stuart .....	Anaconda .....		8.4

## MONTANA, WYOMING &amp; SOUTHERN R. R.

Bridger .....	Bear Creek .....	25	
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## YELLOWSTONE PARK RY.

Chestnut .....	Cook's Mine .....	10.4	
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## GALLATIN VALLEY RY.

Bozeman .....	Three Forks .....	38.4	
Bozeman Hot Springs .....	Salesville .....		4.7
Belgrade Jct. ....	Belgrade .....		5.2
Bozeman .....	Menard .....		24.9
			<hr/> 34.8

## WHITE SULPHUR SPRINGS YELLOWSTONE PARK RY.

Ringling .....	White Sulphur Springs	22.9	
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## MONTANA WESTERN RY.

Conrad .....	Valler .....	20.2	
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## GILMORE &amp; PITTSBURGH R. R.

Armstead .....	Idaho Line .....	37	
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## BIG 'BLACKFOOT RY.

Bonner .....	Potomac .....	16.7	
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## SUMMARY.

	Main Line (Miles)	Branch Line. (Miles)	Total. (Miles)
Great Northern Railway .....	1012.0	571.7	1583.7
Northern Pacific .....	993.5	465.7	1459.2
Chicago, Milwaukee & St. Paul Ry. ..	734.6	78.7	813.3
Chicago, Burlington & Quincy R. R. ..	105	29.9	134.9
Oregon Short Line Railroad .....	125.4	9.5	134.9
Butte, Anaconda & Pacific Railway ..	48.3	8.4	56.7
Montana, Wyoming & Southern Railroad	25	.....	25
Yellowstone Park Railway .....	10.4	.....	10.4
Gallatin Valley Railway .....	38.4	34.8	73.2
White Sulphur Springs & Yellowstone Park Railway .....	22.9	.....	22.9
Montana Western Railway .....	20.2	.....	20.2
Gilmore & Pittsburgh Railroad .....	37	.....	37
Big Blackfoot Railway .....	16.7	.....	16.7
<b>Total</b> .....	<b>3189.4</b>	<b>1,198.7</b>	<b>4,388.1</b>

### ELECTRIFICATION OF STEAM RAILROADS.

In response to the Commission's request for a brief outline of the Chicago, Milwaukee & St. Paul Railway Company's intention to electrify certain portions of its railroad in Montana, we are authorized to publish the following article by Mr. C. A. Goodnow, Assistant to the President:

The adoption by the directors of the president's recommendation that the Puget Sound lines be electrified between Avery, Idaho, and Harlowton, Montana, a main line distance of 440 miles, including sidings 450 miles, at a cost of several millions of dollars, is the most progressive step toward general electrification yet taken by any steam railway and undoubtedly foreshadows the electrification of the entire line from Harlowton to the Pacific coast, a main line distance of 865 miles, including the line to Tacoma.

There are many short stretches of main line in the United States, previously operated by steam, which are now successfully operated by electricity. The most important installations of this character are the B. & O. railway tunnel at Baltimore 1.2 miles; Grand Trunk St. Clair tunnel, 1.2 miles; Great Northern Cascade tunnel in Washington, 2.6 miles; Hoosac tunnel, Massachusetts, 4.75 miles; Michigan Central tunnel between Detroit and Windsor, 1.5 miles, and the New York terminals of the New York Central and the New Haven roads and the Pennsylvania. In all the tunnel installations referred to both freight and passenger trains are handled. The New Haven road has moved its passenger traffic between New York and Stamford, Connecticut (33 miles), by electricity for several years, and is proposing to extend this service to New Haven (75 miles), and to handle its freight traffic also. Some steam lines abroad, notably in the mountains and tunnels between Switzerland and Italy, have been elec-

trified and passenger and light tonnage freight trains are handled, but nowhere is there a proposition for electrification approaching in magnitude, both as regards length of line and tonnage per train, than that proposed by the Milwaukee Company.

As the accompanying profile shows, the line of the proposed electrification crosses three separate mountain ranges; the Bitter Roots, the Rocky Mountains and the Belt Mountains, all within the territory known as the Continental Divide with many miles of three-tenths, four-tenths and six-tenths per cent gradients between the ranges. The line at the summit of the Bitter Roots reaches an elevation of 4,170 feet; at the summit of the Rockies, 6,322 feet, and at the summit of the Belts, 5,788 feet above tidewater. The controlling east-bound gradients are Bitter Roots, 1.7% (24 miles in length); Rockies, 1.66% (10 miles); Belts, 1% (44 miles). West-bound, Belts, 1% (10 miles); Rockies, 2% (21 miles); Bitter Roots, 1.66% (12 miles). The territory between Avery and Harlowton comprises four sub-divisions with division points located at Alberton, 100 miles east of Avery; Deer Lodge, 111 miles east of Alberton, and Three Forks, 113 miles east of Deer Lodge, and 114 miles west of Harlowton. Across this ragged profile, with gradients varying from three-tenths of one per cent (16 feet per mile), to two per cent (106 feet per mile), it is proposed to haul freight trains consisting of two thousand tons behind the locomotive at a speed of from fifteen to eighteen miles per hour, and passenger trains at a speed of from twenty-five to thirty miles per hour, the electric locomotive being designed to develop this speed ascending maximum gradient.

The Milwaukee Company has entered into long term contracts with the Montana Power Company and the

Thompson Falls Power Company for the electrical energy necessary to perform the services outlined. This energy will be delivered at seven points between Avery and Harlowton from the power company's transmission lines carrying alternating current of one hundred thousand volts, which will be transformed to such voltage as will best meet the requirements of the Railway company and sent along the transmission system of the Railway company to the trolley wires and thence to the locomotives. The power plants are located at Thompson Falls, Montana, on Clarks Fork, about 15 miles from St. Regis station on the Milwaukee line; Madison river canyon, about 30 miles from the Milwaukee line at Three Forks; Helena, 54 miles from the Milwaukee line at Lombard, and Great Falls, Montana, 140 miles from the Milwaukee line at Harlowton. Plants are in operation on the Madison river and at Helena and it is proposed to construct plants at Thompson Falls and at the lower falls at Great Falls. At the latter point, which is by far the largest proposed installation, it is expected that there will be developed eventually, in addition to the present development at Rainbow falls (the energy from Rainbow falls being entirely consumed by the mines at Butte), about one hundred thousand horse-power and that the energy from all the plants will be connected and form one tremendous reservoir of electrical energy from which may be drawn any amount of power necessary to operate the railway.

Near the headwaters of the Madison river, a storage reservoir covering an area of many miles, has been constructed by means of which sufficient water will be impounded to furnish the power plants at Madison Canyon, Helena and Great Falls with an average flow of water during the dry months of the late summer

and during the winter months when the usual flow is at a minimum.

Thompson Falls on Clarks Fork will be protected by Flathead lake, a very large natural body of water lying east of the falls and forming the headwaters of the Flathead river, one of the principal tributaries of Clarks Fork. These arrangements for the protection of the power plants during the summer and winter minimum flowage makes it apparent that ample provision has been made for the electrical energy necessary to work the railway under all conditions.

Within the electric zone (Avery to Harlowton), it is proposed that all passenger, freight, helping and switching service shall be performed by electric locomotives. A single freight locomotive will be capable of handling 2,000 tons trailing on 1% grades and two will handle the same tonnage on 2% grades at a speed from 15 to 18 miles per hour. Specially designed locomotives will be required for passenger service, but the type of locomotive designed for freight service will also be suitable for and will be used in helping and switching service so that but two classes of engines will be required.

Experience on the short passenger runs in the New York terminals has demonstrated that electric locomotives can be run two thousand miles without inspection under the conditions existing there. It, therefore, seems probable that the electric engines, which will be placed in service on the Puget Sound line, can be relied on to make from two hundred and fifty to three hundred miles at the outset and as there will be no delays on the road for coal, water, cleaning fires or waiting for steam, it seems a fair conclusion that the tonnage will be handled with fewer locomotives, higher average speed and with a regularity which will re-



sult in a better physical condition of engine and train crews and greater satisfaction to the shipper while the passenger will be able to enjoy the scenery without the annoyance incident to steam locomotion.

The reliability of the electric motor has been demonstrated in many ways and for many years and it is interesting to note that while the steam locomotive is at its worst in cold weather, the colder the weather, the better the electric locomotive performs, since practically the only difficulty with electric motors is to keep them from heating when doing maximum work and naturally the colder the weather the easier it is to keep them cool.

One of the important benefits to result from electric operation is the breaking of trains ascending mountain grades by reversing the motors on the electric locomotive, making the use of the airbrake, excepting in cases of emergency, unnecessary. "Electric motors," to quote an authority on this matter, "are reversible in their function; that is, while they absorb electrical energy and give out mechanical energy going up grades, they can reverse this operation and absorb the mechanical energy given the train down grade by gravity and transform it into electrical energy. Thus the electric locomotive provides a perfect braking system which is independent and separate from the airbrakes. The electric energy so generated can be turned into the trolley wire to assist other trains and reduce the amount of purchased electric current." It is clear that while some economy will result from less wear on brake shoes and wheels, the chief importance of electric braking is the elimination of the danger of derailment from broken wheels, due to overheating from the pressure of brake shoes on long descending grades.

There is a phase in connection with train dispatching that is interesting. At the outset but 20,000 kilowatts will be available under the contract. This represents 26,800 horse-power, but since all meters, whether registering or visual, show only watts and kilowatts the term horse-power will naturally and properly go into disuse. The lowest common term of electrical measurement is a watt. A kilowatt is a thousand watts. In one horse-power there are 746 watts. A kilowatt is therefore almost exactly 34 per cent greater than one horse-power electrically.

As the dispatcher will have only the 20,000 kilowatts available he must figure to move his traffic and not use electrical energy in excess of that amount. To this end he not only must have the entire situation clearly before him so that trains will not be started from termini at hours when they will be unreasonably delayed intermediately waiting for current, but he must supervise their speed since the speed of trains on ascending gradients exactly represents the electrical energy used. In order to push an important train across a mountain range at maximum speed it may be necessary for the dispatcher to slow down other trains or he may order one or more trains to move at maximum speed to provide for the prompt movement of subsequent trains. A train making a given distance in one hour will use the same total electrical energy if it makes the run in thirty minutes. In other words, if a run is made at a speed of  $7\frac{1}{2}$  miles per hour the same total number of kilowatts will be used as if the run is made at the rate of 15 miles per hour. While twice the amount of current is used at the higher speed, it is in use only half the time.

The necessary attention to electrical details by the train dispatcher would seem to add to the complexities

of the duties. In a measure this is true, but there are large compensations to him in the knowledge that under electrical propulsion a train when ordered forward, will not move at speed, and that meeting and passing points may be figured to the minute; that there will be no delays for coal and water or for cleaning fires and in the further fact that an electric engine will be ready for service at terminals as soon as another crew can be provided.

To the engineer who has had to contend with the difficulties incident to steam locomotives in all their various phases the prospect of electrical propulsion must seem ideal since cold weather holds no terrors and there is no danger from frozen pipes, frost in the fire box or the boiler and leaky flues, cracked side sheets, disabled crown sheets and broken grates, have no place in the electrical vocabulary. It seems probable that the oil can and monkey wrench will be known only in the inspection pit and the repair shop.

But if the engineer will have "smiles all over him," what condition of mind and being will overtake the fireman who has had to shovel from fifteen to twenty tons of coal per trip, hot or cold. Naturally he will be graduated into the "biled" shirt contingent and will always be "dressed" when he reaches the end of his run. Just what excuse will take place of the ancient "I was just putting in a fire," has not yet been evolved.

It now seems probable that a start in electrification will be made in 1914 and that each year will see a subdivision equipped, but this is my no means certain since the financial situation may make it impossible to go forward so rapidly with the work.

**Butte, Anaconda & Pacific Railway.**

Mr. R. E. Wade, electrical engineer, B., A. & P. Ry., has furnished the Commission with the following "story" of the electrification of that line:

After a carefully conducted investigation covering a period of several years, the Butte, Anaconda & Pacific Railway decided to make a change in motive power, substituting electricity for steam.

While the results, as far as this particular road is concerned, will be a saving, owing to the cheapness of hydro-electric power as compared with steam generated with coal and other attending economics, the State of Montana and the entire Northwest are vitally concerned in this pioneer work, which has been so successfully inaugurated.

Montana and other states in this section are peculiarly rich in unfailing water power. This commodity, however, like all others, must have a market to be of value, and to attract the capital necessary to its development. The electrification of the transcontinental and other railways crossing the mountain ranges in this same section will provide such a market, and authorities have stated that the work done by the Butte, Anaconda & Pacific Railway is the first step towards the electrification of all such roads between the Missouri river and the Pacific coast.

The actual work of electrification was begun May, 1912, and after an interruption covering the period between July 1st and December 1st, test current was turned on overhead contact and feed wires in Anaconda territory May 14, 1913.

Electric locomotives began handling ore trains between East Anaconda yard and Concentrator bins at Washoe smelter on June 3rd. Passenger service between Anaconda and Butte was taken over October

ist, and freight trains between East Anaconda and Rocker on October 10th. The remainder of the service has been taken over as fast as men are broken in to handle the new locomotives.

For the first time in the history of electric railway work, in this country, direct current at a potential of 2,400 volts is being used. With this potential there is a great saving in transmission of energy to the locomotives and there are only two substations, one at either end, and twenty-six miles apart for supplying the power for the movement of trains of heavy tonnage over the main line, and for switching movements at terminal and intermediate yards with comparatively little feeder copper.

The section of line that is being electrified, lies between the receiving and distributing yard on Butte hill, and concentrator bins at Washoe smelter, Anaconda, together with the yards and tracks in the vicinity of Butte passenger station, Anaconda station and shops, the various departments of the smelter and the intermediate yards and sidings. It comprises about 30 miles of main line single track which, together with the various yards and sidings makes up a total of about 95 miles on a single track basis. The haulage of copper ore from the Butte mines to the smelter, Anaconda, which is the principal traffic, together with mine supplies, lumber, etc., moving in both directions amounts to practically 5,000,000 tons of freight per year, or an average of 13,700 tons daily. The freight trains on main line, weighing 3,740 tons and made up of 55 loaded ore cars, are handled against a ruling grade of 0.3 per cent and those on Smelter hill line weighing from 1,350 to 1,400 tons and made up of 20 or more loaded ore cars against a grade of 1.1 per cent, those on Butte hill line weighing from 750 to 800 tons and

made up of empty ore cars, and loaded supply cars, against a grade of  $2\frac{1}{2}$  per cent are handled by locomotives consisting of two units. Single units are used for making up trains in the yards and spotting cars.

It may be interesting to note as a matter of comparison between steam and electric motive power, that whereas in transporting ore between East Anaconda yard and the concentrator bins, a distance of  $7\frac{1}{4}$  miles against a grade of 1.1 per cent, the heavy steam locomotives require from 50 to 55 minutes to make the trip with 16 cars of ore, a pair of electric locomotive units is making this same trip in 24 minutes with 20 carloads of ore. In other words, the electric locomotive handles 25 per cent more tonnage and consuming about one-half the time required by the steam locomotive.

The initial equipment consists of 17 locomotive units, 15 for freight and two for passenger service. Each weighs approximately 80 tons. When two units are coupled together, they are operated in multiple from one master controller and they haul the 3,740 ton train at a maximum speed of 15 miles per hour against the 0.3 grade and at 21 miles per hour on tangent level track. The same two units haul the 1,400 ton train against the 1.1 grade at 17.5 miles per hour. The passenger locomotives are the same design as the freight locomotives except that they are geared for a maximum speed of 45 miles per hour on tangent level track. The average passenger train is composed of one locomotive unit and three standard passenger coaches. The general design of the locomotives is of the articulated double truck type, all weight being on the drivers. The cab is of the box type extending the entire length of the locomotive and is of steel construction throughout. It is divided into three compart-

ments, the center compartment containing the control apparatus, air compressor and dynamotor, the latter for furnishing 600 volts for lights, air compressor and operation of the control circuit. The two end compartments are for the accommodation of the engineer and contain the usual master controller, brake valves and sand boxes; in addition there is apparatus for the ringing of the bell and sanding by compressed air, and raising and lowering of the pantograph trolley.

The principal data and dimensions applying to the locomotives are as follows:

Length inside of knuckles .....	37 ft. 4 in.
Height with trolley down .....	15 ft. 6 in.
Width over all .....	10 ft. 0 in.
Total Wheel base .....	26 ft. 0 in.
Rigid wheel base .....	8 ft. 8 in.
Total weight .....	160,000 lbs.
Wheels (Diameter) .....	46 in.
Tractive effort at 30 percent coefficient .....	48,000 lbs.
Tractive effort at one hour rating .....	30,000 lbs.
Tractive effort at continuous rating .....	25,000 lbs.

The motors are of the GE-229-A commutating pole type, wound for 1200 volts, and insulated for 2400 volts. A forged pinion is mounted on each end of the armature shaft and meshes into a corresponding gear mounted on the wheel hub, providing a gear reduction of 4.84 on the freight locomotives and 3.2 on the passenger locomotives. The motor is designed especially for locomotive service, is enclosed and provided with forced ventilation. Air is circulated over the armature and field coils and over and through the commutator, through longitudinal holes in the armature core, and thence exhausted through openings in the bearing head. The continuous capacity of each motor is 190 amperes on 1,200 volts under forced ventilation, and the input is 225 amperes on 1,200 volts for the one-hour rating. For the double unit, the continuous rating is equivalent to an output of 2,100 h. p.

Current is collected by overhead trolleys of the pantograph type. They are pneumatically operated; can be put into service from either engineer's compartment by hand operated valve. The current collector proper consists of a roller made of steel tubing 5 inches outside diameter by 24 inches long instead of the fixed or sliding pan usually employed for this purpose with the pantograph trolley. When two units are coupled together the trolleys are connected by couplers between the two units so that current may be obtained from both trolleys or from a single trolley as may be desired.

The passenger coaches are to be heated by hot air. The air being forced through electrically heated coils by a motor driven blower, 2,400 volt current being used for both heating coils and blower motor. The current for lighting passenger coaches will be taken from the dynamotor in passenger locomotive at a pressure of 600 volts.

The apparatus in each of the two sub-stations consists of two motor generator sets each consisting of a synchronous motor directly connected to two 1,200 volt D. C. generators, the latter being connected in series to give the 2,400 volt line potential together with two motor driven exciter sets, and the necessary switch board panels and control apparatus, most of which has been especially designed for this work.

The overhead contact system is of the flexible catenary type, there being one messenger wire of one-half inch Siemens Martin seven strand galvanized steel, and one 4-0 hard drawn grooved copper trolley wire for contact member.

The trolley wire is hung from messenger on loop hangers which permit absolute freedom in vertical movement of trolley wire when subjected to pressure



imposed by pantograph. This provides a contact member which is practically free from the "hard spots" common to such construction, and largely decreases the wear on contact member.

Overhead work is supported on wood poles of Idaho cedar except in several instances where conditions required steel.

While a reasonable time must elapse before a statement can be drawn up showing the actual comparative cost of handling traffic with the old and new motive powers, the large number of distinguished visiting engineers and capitalists, from home and abroad, and the officials of the Butte, Anaconda & Pacific Railway, are convinced that the successful application of electricity as a motive power to trunk railways has been and is being demonstrated between Butte and Anaconda.

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#### SANITARY CONDITIONS, DURANT.

From various sources, it was brought to the attention of the Commission that the depot at Durant was not kept in a sanitary condition. The matter was taken up with the Butte, Anaconda & Pacific Railway Company, and upon investigation, it was found necessary to make a change in agents. This was done, and our inspector reports thirty days later that the cause for complaint has been removed; that the waiting-rooms, floors and premises in a general way are clean and sanitary.

**PUBLIC HEALTH LAWS.**

It was brought to the attention of the Commission that the Oregon Short Line Railroad Company was not complying with Regulation No. 44 of the State Board of Health, providing in part:

"Each sleeping car operated in Montana shall be furnished with one spittoon for each section or compartment. Each smoking compartment, day coaches, chair, parlor or sleeping cars must be furnished with at least two spittoons. Each smoking car shall be provided with at least 12 spittoons. Each combination smoking car shall be provided with at least eight spittoons."

Upon investigation it was found that failure to fully comply with this regulation of the Board of Health was due to a misunderstanding of the requirements, and under date March 31st, all cars operating in this state were found to be properly equipped.

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**Subject: Track Scale Weights.**

Olmsted-Stevenson Company

vs.

Oregon Short Line Ry. Co., et al.

On December 21st, 1912, this complainant reported to the Commission that it was unable to obtain track scale weights on fourteen cars of oats shipped from Dillon to Butte, Anaconda and Salt Lake, in the months of April, May and June, 1912, and that by reason of not being able to obtain these weights, they were unable to make settlement of accounts.

The Commission experienced no difficulty in obtaining the track scale records of each car, with the exception of one which had been diverted to Deer Lodge, Montana, and which had not been weighed on track scales at any point, same being taken to account at shipper's weight as billed.

**Subject: Cost of Constructing Spur Track.**

Northern Mercantile Company,

vs.

Great Northern Railway Company.

Complainant is a resident of Sand Point, Idaho, and complained to the Commission that on or about June 21st, 1910, a contract had been entered into with the defendant for the construction of a loading spur at Rankin, Montana. The said contract provided for the refund to complainant of the cost of constructing the spur when freight charges on 25% of the shipments made therefrom equalled such costs. That subsequently defendant required complainant to execute a different contract which did not so provide for refund, and that complainant was obliged to execute the new agreement upon threat by the railway company that if such execution were not made, the track would be taken up.

All of the facts in the case being assembled, complainant was informed that the matter did not come within the jurisdiction of this Commission; that the claim involved a question of indebtedness, which could be determined only by the courts.

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**Subject: Limit of Tickets.**

Frank Dawes,

vs.

Great Northern Railway Co.

This complaint was made from Garneill, Montana, November 14th, 1912, and explained that a ticket had been purchased to Billings, and the party "stopped off at Judith Gap, and the time ran out. What I want to know is whether the ticket is good until it is used, or just the number of days it is stamped for." We assumed that the ticket had been purchased at some Montana point, and asked that it be forwarded to the Commission for inspection. Upon its receipt, it was found that the ticket had been sold at Spokane, Washington, and was limited

to thirty days. Its final date expired before presentation for transportation Judith Gap to Billings, and was refused. We were obliged to notify complainant that the ticket could not be accepted for passage after the date of expiration.

As a matter of information, we might say that one way or round trip tickets between points within the State of Montana are good for six months. This provision is contained in tariffs, and is in accordance with the Montana statute which makes the limit of one way or round trip ticket six months from date of sale.

### COAL SITUATION.

It would seem, owing to the present open winter, that there would not be any shortage of coal. It is true that the coal consumption up to the time that this report is made, has not been as great as last year or two years ago. There is, however, a coal shortage in many parts of the State. As far as the Commission has been able to ascertain, the average consumer has not stocked up for the winter as in other seasons, nor is there any storage ahead to take care of a severe spell of weather. To ascertain the cause of this condition, the Commission instituted an investigation in November, and we find that the Bearcreek coal fields, probably the largest source of supply in Montana, have been unable to ship to their capacity at any time since this fall's business commenced, and the mine operators in that district attribute their inability to fill their orders to lack of cars and lack of service on the Montana, Wyoming & Southern Railroad, which is the only line serving the Bearcreek group of mines.

On November 4th, report was made to the Commission signed by the Bearcreek Coal Company, Montana Coal & Iron Company, Smokeless & Sootless Coal Company and the International Coal Company, soliciting the assistance of the Commission to remedy conditions on the line of the Montana, Wyoming & Southern Railroad, the report in part reading as follows:

"The track-bed is in fierce condition. \* \* \* \*  
There is hardly a week passes but what there is a wreck of some kind, and consequently the mines have to remain idle. The yards in various mines are nearly always congested with loads, and this does not help the present car situation. They have only two engines in operation, and at the present time we understand only one is in use, the other being under repairs. The ties are out of shape and broken, and something

should be done at once, and we are asking you for your kind co-operation. \* \* \*"

The coal mined in Bearcreek is thought by many to be equal if not superior, to any in the Northwest, and it might be stated that there is practically an unlimited supply. There is always a ready market for this coal, but the mines in that district have been unable to operate to their full extent, and on November 20th, the Commission visited the Bearcreek field to confer with the mine operators and officials of the M. W. & S. R. R. Also to make a personal inspection of the alleged conditions of that railroad.

The M. W. & S. R. R. is a short-line approximately 25 miles, connecting with the Northern Pacific at Bridger, Montana, and extending to Bearcreek. It was built about eight years ago. The track was never ballasted with gravel or other material that would afford drainage and stability in wet weather, but was surfaced from the sides of the roadbed with the natural soil and loam. Tie renewals since construction have been sparsely made, and the wet weather during the months of October and November softened the roadbed to such an extent that the track settled under the heavily loaded cars, breaking many of the original ties which were in a decayed condition, and the soft and slippery roadbed allowed the track to become out of gauge and surface. Up to November 20th, about 1,000 ties had been put in to replace those broken, and from 800 to 1,000 were distributed along the line for further renewals. Weather conditions have been favorable, and these renewals have been made, putting the track in fair condition for the winter.

The M. W. & S. R. R. owns three engines and 56 box cars. The management states that the power is in good condition. All of these box cars were, at the time this inspection was made, on foreign lines. The general superintendent stated that with the present power they could handle easily 80 cars of coals per day from Bearcreek to Bridger, if they could get the cars.

The reports show that the Northern Pacific had delivered to the M. W. & S. at Bridger 1,045 cars from October 20th to November 19th, both dates inclusive. All of these cars were promptly moved to the mines for loading, except in a few instances when delays were occasioned by the soft roadbed and condition of the track. This car supply enabled the mines to work during that period, a total of 690 hours out of a total number of working hours of 1040. In other words, the mines were idle 34% of the time during this period of 26 working days. Another statement commencing October 21st and concluding December 7th, shows that out of a total of 1640 working hours, the mines worked 1,115 hours; that is, the miners were idle 32% of the time during that period. The investigation shows that for the period October 20th to November 19th, an average loading of 39 cars per day, with an average of 36.28 tons per car, making the average output per day 1400 tons. As stated above, the M. W. & S. claims to be in a position to handle 80 cars of coal per day, and the mine operators do not hesitate to say that the five mines comprising the Bearcreek group, can load 80 cars per day, which at the same average weight as above, would mean shipping 2902 tons per day instead of 1400, or a little more than 100% increase in the output.

We find that the coal mines located on other lines of railroad have been able to operate to full capacity, there being no shortage of equipment, and the fact that these mines have operated continuously has enabled them to hold their organization together. That is, when there is steady employment for the miners, they will invariably stay; but just as soon as the work is intermittent, they seek employment elsewhere under more favorable conditions, and this has been one of the great obstacles in the Bearcreek field—no steady employment for the miner, and has resulted in disrupting the mine organization so that when the railroad was able to furnish cars for loading the miners had gone.

Whether or not unsatisfactory transportation service given Bearcreek has been directly the fault of the railroad serving it, the fact remains that with proper and adequate transportation, Bearcreek field would be one of the largest producers of coal in the country, but this cannot be built up under present conditions. The Commission has appealed to the Northern Pacific Railway Company to assist the coal situation by supplying the M. W. & S. with as many empty cars as possible for the next six weeks. The Northern Pacific has promised to exert every effort to this end, and we understand today that more cars are being furnished than heretofore. We hope that this will continue so that a little surplus of coal may be placed as a protection against the precipitation of winter, which is to be expected at any moment.

The Commission has established, and there is now in effect, fair and reasonable freight rates on coal between points within the State of Montana, but notwithstanding this, the price of the commodity is advancing. It would seem that with the abundant supply almost at the doors of the consumers, that fuel would be a commodity of no great consideration financially, but it is not so, and from observation and earnest inquiry, we are forced to the conclusion that the spasmodic intermittent operation of the mines which naturally adds greatly to the cost per ton of coal produced, is responsible in a large measure for the high price of this article of necessity.

With adequate transportation facilities and equipment, there is no reason why the Bearcreek mines cannot be operated to their fullest extent at all times, and supply the state with high grade coal at a reasonable price, but in our opinion this field will never be developed to the point where the people of Montana will get the benefit of its natural resources until the problem of railroad service is solved, and we do not hesitate to say that a small independent line of railroad with correspondingly limited instrumentalities of transportation of its own cannot take care of the situation.

Helena, Montana, December 12th, 1912.



**ABANDONMENT OF FORT WILLIAM HENRY HARRISON AND CONSEQUENT DISCONTINUANCE OF STREET RAILWAY SERVICE TO THAT POINT.**

Fort William Henry Harrison is situated about one mile southwest of the Broadwater Hotel and Natatorium four miles from Helena. By order of the United States War Department, the fort was abandoned as an army post on or about the 21st day of January, 1913, all of the troops being removed therefrom. Heretofore, the Helena Light & Railway Company has maintained an electric railway service between the city of Helena, the Broadwater and the Fort, and upon the abandonment of the post, the H. L. & Ry. Co. made application to the Commission to discontinue its transportation service beyond the Broadwater, setting forth that the only source of traffic on the so-called "Fort line" was the transportation of passengers, occupants of the fort, and to continue to operate the said line, would be to do so at a continual loss to that company.

WHEREFORE, upon consideration of the facts, the Commission authorized the service between the Broadwater and Fort William Henry Harrison discontinued until such time as the fort be re-inhabited, or the traffice to and from that point be of sufficient volume to warrant street railway service, and that the said Helena Light & Railway Company be allowed to keep and maintain its track, trolley and poles as they are located at the present time.

Dated, Helena, Montana, January 31st, 1913.

**CHANGES IN STATION NAMES.**

To avoid confusion, resulting from duplicate station names within the State, the Commission succeeded in having the Northern Pacific Railway Company change the name of Gelman in Dawson county to "Heckman," on account of station of the same name on the Sun River Branch of the Great Northern Railway. The Northern Pacific Company also changed Crane on its Sidney Branch to "Craneville," on account of station of same name on the Chicago, Milwaukee & St. Paul Railway in Gallatin county.

The Chicago, Milwaukee & St. Paul Railway Company changed Minden in Meagher county to "Noyme," to avoid confusion with Mendon on the line of the Great Northern in Fergus county.

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**RAILROAD MAP OF MONTANA.**

The Commission's new map of the State, revised to show the railroad situation as to January 1, 1913, has met with great demand, to the extent that the supply will soon be exhausted. We will be pleased, however, to mail a copy of same free of charge to anyone so desiring, while they last.

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**CHAPTER 18.****Session Laws, 1913.**

An Act to require Railroad Companies to Maintain Suitable Crossings at the intersection of public roads with any line of track of such Railroad Company.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY  
OF THE STATE OF MONTANA.**

Section 1. That at every point in the State of Montana, outside of incorporated cities or towns, where a public road, lawfully established, now crosses or hereafter crosses any line of track owned by any railroad company of any kind, such railroad company shall maintain, in good condition, a crossing built of plank, cement, concrete, brick or other suitable material, which crossing must be so constructed as that the surface of the portion thereof between the rails of such track shall be flush with the top of the rails of such track, and shall maintain in good condition suitable approaches to such crossings so that such approaches and crossings shall present to the wheels of vehicles crossing the same an even and continuous surface without break, except such as may be necessary on the inner sides of the rail of such track to accommodate the flanges of the wheels of cars or locomotives passing over such track or tracks.

Section 2. All railroad companies owning a line or lines of track within the State of Montana shall have until sixty (60) days after the passage and approval of this Act in which to place all approaches and crossings at the intersections of public roads with their respective lines of track in the condition required by this Act, and in case of any railroads hereafter constructed and in case of public roads hereafter established across any line or lines of track, the owner or owners of such track or tracks shall have sixty (60) days from and after notice of the establishment of such crossings in which to comply with the provisions of Section 1 hereof.

Section 3. Any railroad company failing to comply with the provisions of this Act or failing to repair any crossings which shall have become defective after the same have been erected in compliance with the provisions of this Act, within thirty (30) days after receipt of notice of such defective condition, shall pay to the State of Montana, a fine of ten (\$10.00)

dollars per day for every day during which it shall fail to comply with the provisions hereof after the expiration of the time for compliance allowed by this Act.

Section 4. The Board of Railroad Commissioners of the State of Montana is hereby given authority to enforce the provisions of this Act, but the county attorneys of the respective counties shall also have authority to institute and prosecute proceedings for the violation of this Act as to any crossings within their respective counties.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved, February 14, 1913.

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## CHAPTER 43.

### Session Laws, 1913.

“An Act providing a summary method for procuring the right to erect a grain warehouse or grain elevator on Railroad Rights of Way.”

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY  
OF THE STATE OF MONTANA:**

Section 1. Any person, firm or corporation desirous of erecting and operating at or contiguous to any railway station or siding, a warehouse or elevator for the purchase, sale, shipment or storage of grain (including flax seed) for the public for hire may make application in writing, containing a description of that portion of the right of way of said railroad on which such person, firm or corporation desires to erect a warehouse or elevator, and the size and capacity of the warehouse or elevator proposed to be erected and the time for which it is desired to maintain such warehouse or elevator, to the person, firm or corporation owning, leasing or operating the railroad at such station or siding for the right, privilege and easement of erecting and maintaining for the time stated in such application, and for reasonable compensation for such warehouse or elevator as aforesaid upon the right of way pertaining to such railway at such siding or station and within and between the outside switches of the yard of such railway station or siding and upon paying or securing in the manner hereinafter prescribed reasonable compensation for the right, privilege and easement aforesaid, shall absolutely and unconditionally be entitled to the same. Provided, however, that if the person, firm or corporation owning, leasing or operating the railroad is not willing that the portion of the right of way selected by the applicant should be appropriated for such purpose, and the parties cannot agree as to the quantity and location of the land upon which such grain warehouse or grain elevator shall be erected, the matter shall be determined by the district court in the same manner and by the same proceeding for determining the amount of compensation to be paid where the parties cannot agree as to the amount.

Section 2. The application provided in Section 1 of this Act shall also state the amount the applicant deems reasonable compensation for the right, privilege and easement he desires to

acquire, and said applicant shall tender and pay to such person, firm or corporation from whom such easement is sought, the sum stated in such application, and in case the amount so named and tendered is not accepted, and the parties cannot agree on the amount to be paid for such right, privilege and easement, the same shall be ascertained, assessed and determined by proceedings in the district court of the county in which the station or siding at which the right, privilege and easement sought is situated, which court is hereby given full jurisdiction in the premises, and shall at all times be deemed open and in session for the purposes of this article. It shall be the duty of any person, firm, or corporation to whom application is made for the right to erect and maintain an elevator or warehouse, under the provisions of this article to within thirty (30) days after the receipt of such application, notify said applicant in writing of the acceptance or rejection of the amount stated in said application to be reasonable compensation for the right, privilege and easement sought to be acquired, and in case such person, firm or corporation fails to notify the applicant within said thirty days, such person, firm or corporation shall be deemed to have accepted said amount and upon the payment or tender thereof said applicant shall be deemed to have acquired the right, privilege and easement applied for.

Section 3. Proceedings in the district court shall be instituted and carried on as follows: The parties seeking the right, privilege and easement aforesaid shall present to and file with the district court a petition in writing and under oath, specifying and describing the right, privilege and easement sought, and the time for which the same is sought, and the fact that the parties to the proceedings are unable to agree upon the amount of compensation therefor. A copy of the application for such privilege shall be attached to said petition, and thereupon it shall be at once the duty of the court by its order in writing to fix a time, not more than thirty days thereafter within which the said person,

firm or corporation so owning, managing or controlling such railroad shall appear and join issue in said proceeding; such notice shall be served as a summons is served in civil actions, and shall be ample notice to the parties so served to appear and join in the proceedings, and shall be ample to give the court full jurisdiction over the party against whom the proceedings are instituted and the property involved in the proceeding. The manner of joining issue and the procedure at the trial shall be the same as that in any other civil action at law. The trial of such issue shall be expedited by the court as much as possible. At the trial the court or jury, as the case may be, shall find and assess the compensation both in the form of an annual rental and in the form of a gross sum for the right, privilege and easement sought, and immediately after the finding or verdict has been made, the party against whom the proceedings have been taken shall elect whether to receive the annual rental or the gross sum found, and in case such election is not made by said party, then the other party to the proceedings may make such election, and after election is made as aforesaid, judgment shall be rendered adjudging, among other things, that upon payment of the gross sum found, or the annual rental found, yearly in advance, as the case may be, the party instituting the proceedings shall be entitled to the right, privilege and easement of erecting and maintaining the elevator or warehouse asked for in the application and petition aforesaid, and for the time therein specified; and thereupon the party in whose favor said judgment is rendered shall be entitled to a writ of execution in proper form to immediately invest such property with the right, privilege and easement aforesaid. In case the annual rental is elected, the same shall be paid yearly in advance, and if not so paid after thirty days' default, the right, privilege and easement aforesaid shall be absolutely forfeited.

Section 4. Within thirty days after the entry of said judgment as hereinbefore provided, but not later, an appeal may be

taken by either party to the Supreme Court; but such appeal shall not stay or hinder the use or enjoyment to the fullest extent of the right, privilege and easement asked for by the petition and conferred by the judgment, if the party instituting the proceedings shall make and file a bond with securities, to be approved by the court in an amount double the gross sum or annual rental, conditioned to pay such sum or rental and to abide and satisfy any judgment the Supreme Court may render in the premises. Costs and disbursements, as in civil actions, in each court, shall be paid by the unsuccessful party. If the finding of the court or jury is for a less or the same amount as tendered by the petitioner before instituting the proceedings, then the petitioner shall be deemed the successful party. But if the amount found is larger than the sum tendered, then the petitioner shall be deemed the unsuccessful party. Either party may appeal from that part of the judgment determining the quantity and location of the land upon which such warehouse or elevator is to be erected, and in the event of such appeal, the judgment shall be suspended pending the appeal.

Section 5. All elevators and warehouses erected and maintained under the provisions of this article, shall be deemed public elevators, and public warehouses, and shall be subject to legislative control.

Section 6. Any person, firm or corporation availing themselves of the provisions of this Act, shall, within sixty days after the amount to be paid for the easement acquired thereunder is finally determined, by agreement or by proceedings in court, commence the erection of the warehouse or elevator mentioned in the application, and complete the same within ninety days thereafter, and in case of failure to comply with the provisions of this section, such person or persons shall be deemed to have abandoned the right acquired, and the part or portion of the railroad right of way described in the application shall be sub-



ject to selection by other applicants who may desire to avail themselves of the provisions of this Act.

Section 7. Every railroad company or corporation organized under the laws of this State or doing business therein, shall, upon application in writing, provide reasonable side track facilities and running connections between its main track and elevators and warehouses upon or contiguous to its right of way at stations; and every such railroad corporation shall permit connections to be made and maintained in a reasonable manner with its side tracks to and from any warehouse or elevator without reference to its size, cost or capacity, where grain is or may be stored; provided, that such railroad company shall not be required to construct or furnish any side tracks except upon its own land or right of way; provided, the reasonable cost of construction of such side track and connections, except the cost of rails and fastenings, shall be paid by the person or persons for whose benefit such side tracks are provided or connections made; provided, further, that such elevators and warehouses shall not be constructed within one hundred feet of any existing structure, and shall be at safe fire distance from the station buildings, and so as not essentially to conflict with the safe and convenient operation of the road; and where stations are ten miles or more apart, the railroad company, when required so to do by the Board of Railroad Commissioners of the State of Montana, shall construct and maintain a side track for the use of shippers between such stations.

Section 8. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 9. This Act shall take effect and be in force from and after its passage and approval.

Approved, March 1st, 1913.

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## CHAPTER 53.

### Session Laws, 1913.

"An Act to Permit Common Carriers to carry free or at reduced rates persons and property in certain cases."

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY  
OF THE STATE OF MONTANA.**

Section 1. That nothing in provisions of Chapters 4 and 5, Title VIII., of the Political Code, Revised Statutes of Montana, 1907, or in any other provisions of the laws of the State of Montana, shall be construed to prevent, or shall prevent, any person, association, company, or corporation engaged as a common carrier of persons, or property, in the State of Montana from carrying, storing, or handling property free, or at reduced rates for the United States, state or municipal governments, or for charitable institutions, or property which is being transported to, or from, fairs and expositions for exhibit thereat, or cars used by the government of the United States, or State of Montana for the transportation of fish, or for carrying free or at reduced rates agents and employees employed in such transportation and nothing therein contained shall prevent such person, association, company, or corporation from issuing free transportation, or selling tickets at reduced rates, to the following classes of persons:

Employes of the issuing road and the members of their families.

Officers and employes of other railroads and the members of their families upon the exchange of passes or tickets.

Doctors, nurses and helpers being carried to wrecks.

Soldiers or sailors going to or coming from institutions for their keeping.

Ministers of religion and persons engaged in charitable or religious work, and destitute or homeless persons being transported by charitable societies or at public expense.

Executive, judicial or legislative officers of the State of Montana, including the State Game Warden and his deputies, the members of the State Board of Horticulture, members of the faculty of the different educational institutions of the State, officers, trustees or employees of the State Fair, officers and inspectors of the Live Stock and Sheep Commission

Boards. Provided, however, that when free transportation, or a ticket at reduced rate shall be issued to any such officer, State Game Warden or deputy, or any members of the said Board of Horticulture, or any president or member of the faculty of any educational institution, that the same shall only be issued upon the application of the Secretary of State, and the said transportation, or ticket, shall be delivered to the Secretary of State for delivery to the person, or persons, applying therefor, and the Secretary of State shall keep record of all transportation and tickets at reduced rates so recieved, and delivered by him; provided, further, that such state officer, State Game Warden and deputies, and the members of the State Board of Horticulture, and the president and faculty of the state educational institutions when traveling upon any free transportation shall not be entitled to charge any mileage against the State, or if traveling upon a ticket sold at reduced fare they shall not be entitled to charge mileage in excess of the cost of said ticket.

Section 2. The carrying free or at reduced rates of property or persons in any of the classes above specified, shall be held to be a reasonable classification by railroad companies for such purposes and not to be unjust discrimination, and the carriage and transportation by any railroad company, at free or reduced rates, in any of the cases above specified, shall be held not be to a violation of any of the provisions of the laws of Montana, or subject said railroad company to any penalty therefor.

Section 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4th, 1913.

**CHAPTER 65.****Session Laws, 1913.**

"An Act to Require Railroads to Maintain more than one crossing where highways or streets intersect said railroads in unincorporated cities, villages and towns of more than three hundred (300) inhabitants, and to provide crossings over public highways in certain instances in the country districts; and to compel the Board of Railroad Commissioners of the State of Montana to see that the provisions of this Act are enforced and to punish railroads for any violation of this Act."

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**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY  
OF THE STATE OF MONTANA:**

Section 1. It is hereby made the duty of all railroads owning, operating or using railway tracks within the State of Montana to make and maintain good and safe crossings at all places where their main lines, spurs and switches intersects or cross public highways, and also to make and maintain such crossings at more than one place in all cities, towns and villages of more than three hundred (300) inhabitants, whether same are incorporated or not incorporated towns.

Section 2. Whenever a petition for a crossing is signed by at least one half of the business men residing in any town, city or village of more than three hundred inhabitants, shall be presented to such railroad, a copy thereof shall be sent to the Board of Railroad Commissioners of the State of Montana, and unless said railroad shall construct said crossing within a reasonable time, not exceeding sixty days from date of presentation of said petition, it shall be the duty of said Board to investigate the facts, and if said crossing is necessary it may enforce the provisions of this act by appropriate proceedings in a summary manner.

And in case crossings are ordered by the Board of County Commissioners at intersections on highways in the country dis-

tricts as herein provided for, they, the Board of County Commissioners, may notify the State Board of Railroad Commissioners of the State of Montana, by a notice containing a description of the public highway, together with a description of the kind of crossings desired, and it shall thereupon be the duty of said State Board of Railroad Commissioners to enforce the provisions of this Act by appropriate proceedings in a summary manner.

Section 3. Any railroad that fails or neglects to comply with the provisions of this Act, on conviction thereof in a court of competent jurisdiction, shall be fined a sum not less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars for each offense, and nothing herein provided shall exempt a railroad from being liable in damages to persons or property injured at such crossings, either before or after notice to construct same.

Section 4. All Acts and parts of Acts contrary to the provisions of this Act are hereby repealed.

Section 5. This Act shall be in force and effect thirty days after its passage and approval.

Approved, March 8, 1913.

It will be noted that the title of the foregoing chapter specifies "unincorporated cities, villages and towns," while Section 1 reads, "towns and villages of more than three hundred inhabitant, whether same are incorporated or not incorporated towns."

On August 18th, 1913, the citizens of Glendive, Montana, filed with the Commission copy of a petition, the original of which was served upon the Northern Pacific Railway Company, praying for a crossing at grade over the tracks of the Northern Pacific Railway Company on Power street, in the said city of Glendive, and pursuant to the provisions of Chapter 65, Session Laws of 1913, the Commission was notified on September 30th that the Railway Company had taken no action on said petition, which had been filed more than sixty days previous.

Glendive is an incorporated city, and in view of the conflict between the title and Section 1 as referred to above, the Commission requested an opinion from the Attorney General as to its jurisdiction, and from the Attorney General's reply we quote as follows:

"It is a general principle of interpretation that the title of an Act must state in a general way its purposes, and be broad enough to cover the body of the Act at least. The use of the word 'unincorporated' in the title of the Act would indicate that the purposes of the Act were intended to be limited to that class of towns. Any other interpretation would make the word 'unincorporated,' as used in the title, entirely superfluous and useless, for had the legislature intended that the Act should apply as well to incorporated cities as to unincorporated towns, it need not have mentioned or used any term as to incorporation whatever, inasmuch as had they used the words 'cities, villages and towns of more than three hundred inhabitants,' they would have included both classes, incorporated and unincorporated.

"You are, therefore, advised that in my opinion your commission has no authority to make an order requiring railroads to maintain more than one crossing in incorporated cities, villages or towns of more than three hundred inhabitants."

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#### CHAPTER 105, Session Laws, 1913.

"An Act to Regulate Common Carriers and to Provide for Certain Rules and Regulations looking to the Safety and Convenience of the Traveling Public and Shippers upon Railroad or railway trains; to compel the installation of suitable Platforms and Station Houses, and to order the construction of Connecting Tracks where the line of one railroad or railway

crosses, intersects or parallels (overhead, at grade or otherwise), the line or lines of another railroad or railway; to provide for the apportionment of joint freight rates; to compel the construction or extension of public loading or unloading tracks and stock yards, stock chutes or stock pens; and conferring upon the Board of Railroad Commissioners of the State of Montana certain powers in relation to all the foregoing; giving the district court the power to enforce the rulings of the Commission; giving both parties the right of trial by jury and appeals, and providing a penalty for the violation of this Act."

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY  
OF THE STATE OF MONTANA:**

Section 1. The Board of Railroad Commissioners of the State of Montana shall have power and authority, in addition to all other powers hereafter vested in said Board, whenever the line of one railroad or railway shall cross, intersect or parallel (overhead, at grade or otherwise), the railroad or railway of another company or corporation, after notice and hearing, to order and compel the installation of suitable platforms and station houses for the convenience of passengers desiring to transfer from one road to the other and for the transfer of passengers, baggage or freight, whenever the same shall be ordered by the Board of Railroad Commissioners. And such company or corporation shall, when so ordered by the Board of Railroad Commissioners, keep such passenger station warmed, lighted and opened to the ingress and egress of all passengers a reasonable time before the arrival and after the departure of such trains as accommodate such station, carrying passengers on such railroad or railway. And said railroad or railway companies crossing, intersecting or paralleling (overhead, at grade or otherwise), shall stop such trains at said station house so located for the transfer of baggage, passengers and freight, so as to furnish reasonable facilities for that character of a station when so ordered by the Board of Railroad Commissioners,

and the expense and construction and maintenance of such station house and platform shall be paid by such corporations in such proportions as they may agree, and if they fail to agree, as may be fixed by order of the Board of Railroad Commissioners. Such corporations connecting by crossing, intersecting or paralleling (overhead, at grade or otherwise), shall also, when so ordered, after notice and hearing by the Board of Railroad Commissioners, unite and connect the tracks of said several corporations so as to permit the transfer from the tracks of said several corporations to the tracks of each other, of loaded and unloaded cars designed for transportation of both roads; provided, however, that no such union or connection shall be ordered except where and when necessary to properly serve the public. The expense of construction and maintenance shall be apportioned, and the material to be used and the route to be followed shall be determined by such corporations as they may agree, and in the event that they fail to agree, as may be fixed by order of the Board of Railroad Commissioners; and the expense thus incurred by the Board of Railroad Commissioners shall be paid by the railroad or railway companies jointly interested, on such basis as the Commission may order.

“Paralleling,” as referred to in this Act, shall be held to mean, where the main tracks of parallel lines of railroad or railways are not more than two thousand (2,000) feet apart when measured from center to center.

Section 2. Whenever the Board of Railroad Commissioners of the State of Montana shall have established a joint rate for the transportation of freight carried over two or more connecting lines of railroad, railway or common carrier, the railroads, railways or common carriers affected by such joint rate may by agreement provide for the distribution thereof between themselves, and in the event that the railroads, railways or common carriers affected by such rates shall fail to agree upon the distribution of such rate for a period of sixty days after the



order fixing and determining such joint rate shall have been made by the Board of Railroad Commissioners, then the said Board of Railroad Commissioners shall have the power and it is hereby made its duty to call a hearing of which hearing the railroads, railways, or common carriers affected by such joint rate shall have at least twenty days' notice, and upon such hearing the Board of Railroad Commissioners shall proceed to fix and determine the pro rata distribution of such joint rate between the railroads, railways or common carriers affected thereby.

Section 3. The Board of Railroad Commissioners of the State of Montana shall have power and authority, after notice and hearing, to compel railroads, railways or common carriers operating within the State of Montana, to construct or extend public loading or unloading tracks at stations, and shall likewise have full power and authority to compel the construction or extension of stockyards, stock chutes or stock pens, whenever the necessity therefor has been established to the satisfaction of the Commission.

Section 4. The District Court shall have jurisdiction to enforce by proper decree, injunction or order, the rulings, orders and regulations made or established by the Commission under the provisions of this Act. The proceedings therefor shall be by equitable action in the name of the State, and shall be instituted by the Attorney General or County Attorney, whenever advised by the Board that any railroad, railway or common carrier is violating or refusing to comply with any rule, order or regulation made by the Commission and applicable to such railroad, railway or common carrier. Such proceedings shall have precedence over all other business in such courts, except criminal business. In any action the burden of proof shall rest upon the defendant, who must show by clear and satisfactory evidence that the rule, order or regulation involved is unreasonable and unjust as to them. If in such action, it be the decision of the court that the rule, regulation or order is not unreasonable

or unjust, and that in refusing compliance therewith the railway, railroad or common carrier is thereby failing or omitting the performance of any duty or obligation, the court shall decree a mandatory and perpetual injunction compelling obedience to, and compliance with the rule by the defendant, and its officers, agents, servants and employees, and may grant such other relief as may be deemed just and proper. Any violation of such decree shall render the defendant, officer, agent, servant or servants or employees of the defendant, who is in any manner instrumental in such violation, guilty of contempt, and shall be punished by a fine not exceeding one thousand dollars for each offense, or by imprisonment of the person guilty of contempt, until he shall sufficiently purge himself therefrom, and such decree shall continue and remain in effect and be in force until the rule, regulation or order shall be modified or vacated by the Board of Railroad Commissioners; provided, however, that nothing herein contained shall be construed to deprive either party to such proceedings of the right to trial by jury, as provided by the Seventh amendment to the Constitution of the United States, or as provided by the Constitution of this State. An appeal shall lie to the Supreme Court from the decree in such action, and the cause shall have precedence over all other civil actions of a different nature pending in the Supreme Court.

Section 5. Appeals may be taken to the Supreme Court from the judgment of any District Court in any action brought under the provisions of this Act; such appeals shall have precedence over all other business, except criminal business, and original proceedings in such court, and shall be heard and determined as are appeals in civil actions.

Section 6. Any railroad, railway or common carrier may bring an action in the District Court of the county where the principal office or place of business is situated, or in any county where any such rule, regulation or order of the Board of Railroad Commissioners is applicable, against the said Board as

defendant, to determine whether or not any such rule, regulation or order made, fixed or established by said Board under provisions of this Act is just and reasonable; provided, that until the final decision in any such action, the rule, regulation or order of said Board affecting any railroad, railway or common carrier shall be deemed to be final and conclusive; and provided, further, that in any action hearing or proceeding in any court the rules, regulations and orders made, fixed and established by said Board shall prima facie be deemed to be just, reasonable and proper. All costs and expenses incurred in the hearing, trial or appeal of any action brought under this section, shall be fixed and assessed by the Court as may seem just and equitable.

Section 7. Any railroad or railway company, or common carrier, its officers or agents, subject to the provisions of this Act, who shall refuse or fail to comply with the provisions of this Act or any order, rule or regulation relative thereto, made by the Board of Railroad Commissioners, shall be subject to a fine of not less than twenty-five (\$25.00) dollars nor more than two hundred and fifty (\$250.00) dollars, and each day of such refusal or failure shall be deemed a separate offense and be subject to the penalty herein prescribed, such fine to be recovered in a civil action upon complaint of the Board of Railroad Commissioners in any court of competent jurisdiction.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved, March 15th, 1913.

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#### CHAPTER 115, Session Laws, 1913.

"An Act imposing further duties upon the Board of Railroad Commissioners in respect to the inspection of railroads and their equipment and operation, with a view to safe-guarding the lives of persons engaged in the operation of trains."

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY  
OF THE STATE OF MONTANA.**

Section 1. It is hereby made the duty of the Board of Railroad Commissioners to make inquiry into the observance by all railroads within this State of the laws of the United States and of the State of Montana intended to safeguard the lives of the employees of persons or corporations engaged in operating the same and to lay complaint before the proper officers, state or federal, of any infraction of any of such laws and to prosecute before the proper court or tribunal any person guilty of violation of the penal provisions thereof.

Section 2. Said Board shall, in its annual report, set out what effort it has made to carry out the provisions of this Act with the results thereof, and in detail what steps it has taken to procure to be prosecuted any violations of any such acts of which it has secured information.

Section 3. This Act shall take effect and be in force from and after its passage and approval.

Approved March 17, 1913.

The Commission has been unable to place inspectors in the field to carry out the provisions of this Act, for the reason that no appropriation was made therefor. There is but one inspector employed by this department, whose duties are varied and numerous, and his time already fully occupied. To enforce state and federal safety appliance laws, Montana would require six additional men, working in pairs as is the practice of the Interstate Commerce Commission, in order to secure convictions. The evidence of a single inspector is not sufficient to successfully prosecute violations. Then again, it must be shown that cars in defective conditions **have actually been moved** from place to place in said condition; the mere fact of equipment being in bad order, standing in a yard or at a terminal does not render the carrier culpable; it must be so continued in the service before cause for action can be shown, and in order to secure the required evidence, there must be assigned

to that duty men competent and qualified for the work.

Our general inspector has, at odd times, made inspections in yards as he had the opportunity, and has reported to the Commission a total of 2189 cars and engines examined, of which 78 were found defective in violation of the safety appliance laws. No prosecutions, however, have been attempted for the reason as stated above, that conviction would not be possible; and until such time as an appropriation is made providing for the salaries and expenses of the requisite employes, we fear that results will not be forthcoming by virtue of this chapter.

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